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HISTORICAL EDUCATIONAL PAPERS AND DOCUMENTS OF ONTARIO

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Historical and Other

Papers and Documents

ILLUSTRATIVE OF THE

Educational System of Ontario, 1792-1853,

FORMING AN APPENDIX TO THE ANNUAL REPORT OF THE MINISTER OF EDUCATION.

BY

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OF OSGOODE HALL, BARRISTER-AT-LAW, EX-DEPUTY MINISTER OF EDUCATION, HISTORIOGRAPHER TO THE EDUCATION DEPARTMENT OF ONTARIO.

VOLUME I.

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PREFATORY NOTE.

From an intimate personal knowledge of the state and progress of Education in Upper Canada from the earliest times, I am satisfied that the contents of these volumes will prove both valuable and interesting.

The papers selected for publication are the most noted of those which are contained in the Documentary History, so that they can be easily found in a condensed form, when required, instead of having to search for them in the successive volumes of that History.

Among the most interesting of these documents are the originals of the Grammar and Common School Acts of 1807-1816 and 1820, as well as those of 1841 and 1843, passed after the Union of the Provinces of 1840.

There are also several special papers relating to the disposition of the Imperial Land Grant of 1797, out of which grew a prolonged discussion on the University question, as a proportion of that grant was designed for a University.

During that discussion, and, as illustrative of the views of many of those who took part in it, drafts of University Bills to the number of sixteen were prepared, from 1832 to 1853, but only four of them passed the Legislature.

In a succeeding volume there will be inserted the more important documents issued by the Reverend Doctor Ryerson during his long successful administration of the Education Department, as well as his official Annual Reports to the Government.

One portion will be devoted to the insertion of a number of special Addresses on Educational and Literary subjects, at University Convocations, at Provincial School Conventions, and in connection with the History and Progress of our Educational System, which will prove highly interesting and instructive.

J. George Hodgins,

Historiographer.

Toronto, March, 1911.

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Historical and Other Papers and Documents

ILLUSTRATIVE OF THE EDUCATIONAL SYSTEM OF ONTARIO.

PRELIMINARY STATEMENT.

In the Twenty-eight Volumes of the "Documentary History of Education in Upper Canada" which have been published by the Education Department, there are many historical and other Papers of interest and value.

In order to render such Papers easy of access, it has been considered desirable to collect and publish them separately.

These Papers will be arranged as nearly as possible in chronological order, but there are a number of them which it was thought better to group together chiefly for the purpose of contrast,—as in the case of the several Bills relating to the University of Toronto, which were introduced into the Legislature at different times and by different members. These Bills rarely received more than a first reading, and, consequently, failed to receive its sanction.

Another group of Papers are those issued on special Subjects, and at various intervals, by the Reverend Doctor Ryerson, Chief Superintendent of Education, designed to illustrate the desirability of the adoption of certain important features of our School System, or to mark the state and progress of that System. Another group of Papers by Doctor Ryerson were those which he issued on his retirement from office, in which he pointed out the salient features of our System of Education, and reviewed the proceedings of his life-work in seeking to make that System as complete and perfect as possible.

Among the more rare and interesting Documents which I have selected for publication are those of the first Grammar School Law of 1807, the first Common School Law of 1816, and the first General School Law of 1841, which was made to apply alike to each of the two Provinces of Upper and Lower Canada.

The other Papers in the Volume are those relating to special and the more interesting and important periods, or subjects, connected with our Provincial Educational System, and the School Law of 1843, which was made to apply to Upper Canada alone.

IMPERIAL GRANT OF LANDS FOR THE PROMOTION OF EDUCATION IN UPPER CANADA—HOW IT FAILED TO ACCOMPLISH WHAT IT WAS ORIGINALLY INTENDED TO DO.

Lieutenant-General Simcoe, the first Governor of Upper Canada, arrived here in 1792. He was a man of comprehensive views and noble impulses in regard to Education, especially that which would be promoted by Grammar Schools and a University. He suggested that an application be made by the Legislature to the King for a grant of the Public Lands of the Province for the establishment of

Grammar Schools and also of a University. In a Letter of his on the subject of an University he said:

Liberal Education seems to me to be indispensably necessary, and the completion of it by the establishment of a University in the Capital of the Country.

Such a system, he urged,

would be most useful to inculcate just principles, habits and manners into the rising generations. . . . . In short, to now form, as it were, one nation, and thereby strengthen the union with Great Britain and preserve a lasting obedience to His Majesty's Authority.

GOVERNOR SIMCOE.

(From "Lieutenant-Governors of Upper Canada," by D. B. Read, Q.C.)

Governor Simcoe did not ignore, or underestimate, the necessity of popular Education, or, as it was termed "Education in the Rudiments"; but he wished that that Education should be given in Grammar Schools, as preliminary to its completion in a University.

At his suggestion the Legislature, in November, 1797, addressed a Memorial to King George III., asking

That His Majesty would be graciously pleased to direct his Government in this Province to appropriate a certain portion of the waste Lands of the Crown as a fund

for the establishment and support of a respectable Grammar School in each District thereof, and also of a College, or University, for the instruction of the youth in the different branches of liberal knowledge.

To this Memorial the King directed a gracious answer to be sent. The Duke of Portland, Colonial Minister, therefore instructed the acting Governor, President Russell, to give practical effect to the prayer of the Petitioners. In doing so he used the following language:

[His Majesty] being always ready . . . to assist and encourage the exertions of his Province in laying the foundation for promoting sound learning and a religious education, has condescended to express his [desire] to comply with the wishes of the Legislature . . . in such a manner as shall be judged to be most effectual—

First, by the establishment of free Grammar [classical] Schools in those Districts in which they are called for, and—

Secondly, in due process of time, by establishing other Seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the Arts and Sciences.

Such were the terms in which the King, through his Colonial Minister, intimated his desire that Grammar School classical and University learning should be promoted in this Province.

The result of the instructions to President Russell was that 549,217 Acres of Crown Lands were set apart for the twofold purpose set forth in the Colonial Minister's Despatch, and Grammar Schools were established in several of the Districts into which Upper Canada was divided. As the mode of doing so at the time was somewhat desultory, an Act was passed in 1807 to regulate the system of establishing these Schools. The following is a copy of that Act, as assented to by His Excellency Francis Gore, Esquire, Lieutenant-Governor of Upper Canada:—

47TH GEORGE III., CHAPTER VI.

AN ACT TO ESTABLISH PUBLIC SCHOOLS IN EACH AND EVERY DISTRICT OF THIS PROVINCE.

Francis Gore, Esquire, Lieutenant-Governor.

Passed 10th March, 1807.

MOST GRACIOUS SOVEREIGN:

Preamble. (See 48 Geo. III., ch. 16; 59 Geo. III., Secs. 2, ch. 4; 2 Vic. ch. 10.)

Whereas it is considered expedient that some means be devised for the Education of youth, may it therefore please Your Majesty, that it be enacted; and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, that for the establishment of Public Schools in this Province, The sum of eight hundred pounds shall be annually paid, in manner hereinafter mentioned, out of any monies, which are now raised or levied, or which hereafter may be raised or levied, by authority of Parliament, to or for the uses of this Province.

The Sum of £800 to be annually paid for the establishment of Public Schools.

One Public School in every District; £100 to be paid annually to every teacher of such Public School. (See 59 Geo. III., Sess. 2, ch. 4, Sec. 11.)

2. And be it further enacted by the authority aforesaid, that there shall be one Public School in each and every District of this Province, and that out of the said sum eight hundred pounds, annually so appropriated as aforesaid, the annual sum of one hundred pounds shall be paid to each and every Teacher, who shall be nominated and appointed to any of the said Public Schools in this Province, for the education of youth, in manner hereinafter mentioned.

Places where the said Public Schools are to be kept in each respective District. (See 48, Geo. III., ch. 16, Sec. 1.) (See 59 Geo. III., Sess. 4, ch. 4.)

3. And be it further enacted by the authority aforesaid, that the Public School for the Western District, shall be opened and kept in the Town of Sandwich, and the Public School for the District of London shall be opened and kept in the Township of Townshend, at such place as the Trustees, or the majority of them, shall think proper to appoint, and that the Public School for the District of Niagara, shall be opened and kept in the Town of Niagara, and that the Public School for the Home District shall be opened and kept in the Town of York, and that the Public School for the District of Newcastle shall be opened and kept in the Township of Hamilton, at such place as the Trustees, or the majority of them, shall think proper to appoint, and that the Public School for the Midland District shall be opened and kept in the Town of Kingston, and that the Public School for the District of Johnstown shall be opened and kept in the District of Augusta, at such place as the Trustees, or the majority of them, shall think proper to appoint, and that the Public School for the Eastern District shall be opened and kept in the Town of Cornwall.

The Governor, Lieutenant-Governor, or person administering the Government, to appoint Trustees in every District for said Schools.

4. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province, to appoint from time to time, not less than five fit and discreet persons, in each and every District of this Province, Trustees to the said Public Schools, which said Trustees, or the majority of them, shall have full power and authority to nominate a fit and discreet person as Teacher thereof, and to examine into the moral character, learning and capacity of such person, it shall and may be lawful for the said Trustees, or the majority of them to report such, their nomination, to the Governor, Lieutenant-Governor, or person administering the Government of this Province, either to affirm or disaffirm such nomination as aforesaid; provided always, that the said Trustees, or the majority of them, shall have full power and authority, in their discretion, to remove such Teacher from his Public School for any misdemeanor or impropriety of conduct and that it shall and may be lawful for the said Trustees, or the majority of them, in each and every District of this Province, in case of the demise, dismissal or removal of any Teacher of the said Public Schools, to nominate and appoint, as often as the case may require, one other fit and discreet person, as a Teacher to the said Public School, which Trustees, or the majority of them, previous to such nomination, and appointment as aforesaid, shall examine into the moral character, learning and capacity of such Teacher, and being satisfied therewith, such appointment shall be immediately transmitted to the Governor, Lieutenant-Governor, or person administering the Government of this Province, either to approve or disapprove of the same.

Trustees to nominate a fit person as Teacher,

Trustees may remove any Teacher, and nominate another,

Governor, etc., may either approve or disapprove of such last mentioned nomination.

Trustees authorized to make rules and regulations respecting said Schools

5. And be it further enacted by the authority aforesaid, that the Trustees appointed under and by virtue of this Act, in each and every District of this Province, or the majority of them, shall have full power and authority to make such rules, and regulations for the good government and management of the said Public Schools, with respect to the Teacher, for the time being, and to the Scholars, as in their discretion shall seem meet.

6. And be it further enacted by the authority aforesaid, that it shall and may be lawful, for the Governor, Lieutenant-Governor, or person administering the Government of this Province, from time to time, to issue his warrant to the Receiver-General of this Province, for the payment of such yearly salary or salaries, half-yearly, as shall or may from time to time be due to any Teacher or Teachers as signed by the Trustees, or the majority of them, of the District of which he shall have so taught or educated youth, of his having faithfully demeaned, in his office as a Teacher as aforesaid, for and during such time as he shall so require payment for his service. Mode of payment of the salaries of the said Teachers.

7. And be it further enacted by the authority aforesaid, that this Act shall continue in force, for four years from the date of its passing and until the end of the next ensuing session of the Parliament of this Province. Continuance of this Act.

Repealed by 48th George III, Chapter XVI.

No effort was made by the Legislature to provide for the establishment of Elementary Schools in Upper Canada until 1816,—nine years after a Law had been passed by the Legislature for the establishment and maintenance of a Grammar School in each District of the Province. One Hundred pounds, (£100,) was granted to each of these Grammar Schools, but only twenty-five pounds, (£25,) to each of the Common Elementary Schools.

On the 6th day of February, 1816, the Provincial Parliament assembled, and the Lieutenant-Governor directed their attention to the instruction of the people by the establishment of Common Schools in each Township, and promised his cordial co-operation in carrying into effect the result of their deliberations on this important subject. The Members of the House cordially re-echoed His Excellency's desire.

The Parliament passed many useful laws both of a public and private nature. Among them was a Common School Bill, which included a system simple and efficacious, and which had at the time a most sensible and beneficial effect on the character of the Province.

The following is a copy of this Common School Act,—the first Act of the kind that was passed by the Provincial Legislature in 1816:

56TH GEORGE III., CHAPTER XXXVI.

AN ACT GRANTING TO HIS MAJESTY A SUM OF MONEY TO BE APPLIED TO THE USE OF COMMON SCHOOLS THROUGHOUT THIS PROVINCE, AND TO PROVIDE FOR THE REGULATION OF THE SAID COMMON SCHOOLS.

Francis Gore, Esquire, Lieutenant-Governor.

Passed 1st April, 1816.

MOST GRACIOUS SOVEREIGN:

Whereas it would be conducive to the happiness of the Inhabitants, and general prosperity of the Province, to encourage the education of youth in Common Schools. Preamble.

1. (Annual grant of £1000 to the Midland District; £800 to the Eastern District; £600 each to the Home, Johnstown, London, Gore, Niagara and Western District; £400 to the Newcastle; £200 to the Ottawa District—£6,000 in all—for the establishment of Common Schools in these Districts. This section was repealed in 1820, and these sums were reduced, by the 1st George IV., chapter 7.) Annual Grant of £6,000.

Inhabitants of any town, etc., to make arrangements for Common Schools.

2. And be it further enacted by the authority aforesaid. That from and after the passing of this Act, it shall and may be lawful, for the Inhabitants of any Town, Township, Village or place, to meet together for the purpose of making arrangements for Common Schools in such Town, Township, Village or place, or or before the first day of June in the present year, and on the first day of June in each and every year, during the continuance of this Act.

Persons may unite and build a School House, pay Teachers, appoint Trustees and furnish scholars.

3. And be it further enacted by the authority aforesaid, That so soon as a competent number of persons as aforesaid, shall unite and build or provide a School House, engage to furnish twenty scholars or more, and shall in Part provide for the payment of a Teacher, it shall and may be lawful for such persons as aforesaid, or the majority of them, giving eight days' previous notice thereof, to meet at some convenient place appointed for that purpose, and it shall and may be lawful for such persons as aforesaid, and they are hereby required, to appoint three fit and discreet persons, Trustees to the said Common School, who shall have power and authority to examine into the moral character and capacity of any person willing to become Teacher of such Common School, and being satisfied of the Moral Character and capacity of such Teacher, to nominate and appoint such person as the Teacher of said Common School.

Teachers must be natural born subjects or have taken the oath of allegiance.

4. Provided always nevertheless, and be it enacted by the authority aforesaid, That no person shall be appointed Teacher to such Common School unless such person is a Natural Born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament, or a subject of His Majesty having become such by the conquest and cession of the Province of Quebec, or by having taken the Oath of Allegiance to His Majesty.

Trustees have power to remove Teacher for any impropriety of conduct and appoint another person.

5. And be it further enacted by the Authority aforesaid, That the said Trustees or the majority of them, shall have power and authority, under the provisions hereinafter mentioned for that purpose, in their discretion to remove such Teacher, as aforesaid, from his School, for any misdemeanor or impropriety of conduct; and it shall and may be lawful for the said Trustees, or the majority of them, in case of demise, dismissal or removal, of any Teacher, as aforesaid, to nominate and appoint, as often as the case may require, one other fit and discreet person as aforesaid, to become such Teacher as aforesaid; Provided always, nevertheless, that no Teacher of any Common School, under the provisions of this Act, shall be removed or dismissed from his said School, unless the Board of Education hereinafter appointed in each and every District of this Province, sanction the removal or dismissal.

Trustees have power to make Rules for the Government of the School.

6. And be it further enacted by the authority aforesaid, That the Trustees appointed, under and by virtue of this Act, to any Common School, as aforesaid, or the majority of them, shall have power and authority to make Rules, and Regulations for the good Government of the said Common Schools, with respect to the Teacher, for the time being, and to the Scholars, as in their discretion shall seem meet, and that it shall and may be lawful for the said Trustees, and they are hereby required, to report to the District Board of Education, hereinafter to be appointed, the Books used, with the Rules and Regulations used in the said Schools, once in every three months; Provided always, that it shall and may be lawful for the said District Board of Education, on such report as aforesaid, being received, to order and direct such Books, or any of them, not to be used in the said Schools, and to rescind the said Rules and Regulations, or any part of them, if it should be deemed expedient, giving sufficient notice thereof to the said Trustees, who shall warn the subscribers to the said School to provide other books for the tuition

Trustees to report to the Board of Education the books used in the said Schools once every three months.

of the said Scholars, and to make such other alterations, rules or regulations, in the said Schools, as they shall deem necessary, in order that there may be a more uniform system of education throughout the Province.

All engagements entered into by subscribers shall be liable to be sued for.

7. And be it further enacted by the authority aforesaid, That all engagements, contracts or subscriptions, entered into by the Subscribers to any Common Schools, in any District of that Province, with any person or persons, for the erecting, building or keeping in repair, any School House for the purpose aforesaid, or the payment of the Teacher thereto, such Subscriber, or Subscribers, shall be liable to be sued for their subscription by the said Trustees to such Common Schools, or their successors in office, in any Court of this Province having competent jurisdiction.

Trustees once a year to report to the Board of Education the state of the Schools, etc., in order that the Board may report to the Governor, that the same may be laid before the Legislature.

8. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Trustees of the Common Schools in each and every District of this Province, and they are hereby required once in each and every year, to report to the Board of Education, for that purpose hereinafter appointed, in each and every District of this Province, the state of the Common Schools, which such Trustees, aforesaid, shall have the direction of, the number of scholars, the state of education, with the different branches taught in the said School, and all other matters and things that may tend to cherish the prosperity of the said Common Schools, or that may in any wise benefit the same, in order that the said Board of Education may report the state of the District Grammar Schools to the Governor, Lieutenant-Governor, or Person administering the Government, that the same may be laid before the Legislature at its first meeting for their inspection.

Governor to appoint not more than five persons to compose a Board of Education in each District, three to be a quorum.

9. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government, to appoint not more than five fit and discreet persons, to compose a Board of Education in each and every District of this Province, three of whom shall be a quorum; who shall have full power to superintend such Common Schools in the Districts for which they are appointed, and shall annually report to the Governor, Lieutenant-Governor, or Person administering the Government, the state of the said Common Schools, to be laid before the Legislature at their meeting.

Teacher producing a certificate signed by Trustees. Treasurer of the District to pay such Teacher.

10. And be it further enacted by the authority aforesaid, That the Teacher of such Common School established as aforesaid, in any Town, Township, Village or place, in each and every District of this Province, producing a Certificate, signed by the Trustees of any such Common School, stating his having well demeaned himself as Teacher of the said School for Six Months, with the number of Scholars educated in the said School, being not less than twenty in such School, aforesaid, it shall and may be lawful for the Treasurer of the District, to pay to such Teacher his proportion of any sum or sums of money that may be granted by the Legislature of this Province for Common Schools in the respective Districts thereof, during the continuance of this Act.

Payment to Teachers.

11. And be it further enacted by the authority aforesaid, That the moneys granted by this Act shall be apportioned to the Teachers of the several Common Schools in each and every District of the Province, to be paid to the Teachers yearly or half-yearly, as may be directed by said Trustees, in proportion to the number of scholars educated in such Schools as aforesaid.

Books may be purchased—limit.

12. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the District Board to be appointed in each and every District in this Province, to apply such part of the money hereby granted to

the Several Districts, not exceeding one hundred pounds as they shall see fit, for the purchase of proper books for the use of the said Common Schools, and, after having purchased such books, to cause the same to be distributed for the use of such Schools, in such manner as to them shall seem meet.

Board of Education have full power to proportion the money for the schools, and to send to the Treasurer a copy thereof.

13. And be it further enacted by the authority aforesaid, That the Board of Education, to be appointed by virtue of this Act, in each and every District of this Province, shall have full power and authority to proportion the sums of money for the Common Schools of the said District, and after proportioning the same to each of the said Schools, to send to the Treasurer of the said District a copy thereof, in order that the Treasurer, aforesaid, may discharge the certificates granted to the Teacher, as aforesaid: Provided always, that no allowance to any Common School, in each and every District of the Province, shall exceed the sum of Twenty-five pounds annually; Provided always nevertheless, that no allowance whatever shall be paid to the Teacher of any Common School, in any District of this Province, unless the Trustees of the said Common School report to the Board of Education agreeably to the provisions of this Act.

When two adjoining Districts compose such School, the Trustees to make returns, etc.

14. And be it further enacted by the authority aforesaid, That when two adjoining Districts may find it convenient to compose such School as aforesaid, a portion of the Scholars of which may reside in each District, that the Trustees of such School shall have full power to make the necessary returns as are required by this Act, and receive an equal proportion of the moneys so granted for the support of such Schools, from each of the respective Districts, in proportion to the number of Scholars sent to the said School from each District.

The several sums granted to be paid by the Receiver General, to the Treasurer of each District.

15. And be it further enacted by the authority aforesaid, That the several sums hereby granted to the several Districts of this Province shall be paid by the Receiver-General of this Province to the Treasurer of each District respectively in discharge of such warrant or warrants as shall from time to time be issued by the Governor, Lieutenant-Governor or Person Administering the Government of this Province, and shall be accounted for by the Receiver-General to His Majesty, His Heirs or Successors, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs or Successors shall be graciously pleased to direct.

Continuance of this Act.

16. And be it further enacted by the authority aforesaid, That this Act shall be, and is hereby declared to be, in force for and during the term of four years.

STATE OF EDUCATION IN UPPER CANADA IN THE EARLY DAYS.

As to the State of Education in Upper Canada at this time, I have selected a few illustrative Examples from Letters written by Travellers and others on the subject:—

In 1816, seven years after the establishment of District Grammar Schools, an effort was made to provide for the establishment and maintenance of Common Schools. A liberal grant of $24,000 a year, for four years, was made as an experiment. Whether the experiment was a success, or not, does not appear, but in 1820 the grant was reduced to $10,000 a year. The result was that Schools were closed up here and there, all over the Province, inflicting grievous hardship on many worthy Settlers, and (in the scornful language of the day, and even of parliamentary utterances) many unworthy Teachers also.

In regard to the state of education in Upper Canada in 1817, and the fluctuating character of its progress since the settlement of the Province, in 1784, up to that time, Mr. Gourlay, a then well-known Canadian Politician and Author, writes as follows:—

"There is no College in Upper Canada, but there are said to be several Townships of land set apart for the purpose of endowing such an Institution, when the population and circumstances of the Province shall require it.

"No provision is made by the law for Free Schools. The inhabitants of the several Townships are left to a voluntary support of Schools, according to their own discretion.

"An Act of the Provincial Legislature, in 1807, granted a Hundred pounds a year to the Teacher of a Grammar School in each of the Districts under the direction of Trustees. In some Districts the School thus provided for is made a Free School; but in other Districts the salary is considered as a public encouragement to a Teacher of literary eminence, in addition to the compensation received for the tuition of each scholar."—*Statistical Account of Upper Canada, by Robert Gourlay. London, 1822.*

The Reverend Doctor Strachan became a Master of one of these District Grammar Schools, and Reverend George Ryerson and his Brother, Egerton, Master and Usher of another.

One reason why the state of the Schools in Upper Canada was at such a low ebb in the early period of their history was the extremely small sum voted by the Legislature for the support of Schools. There was, besides, an utter absence of any attempt to provide for the education and training of persons as Teachers. The result was disastrous to the cause of education in Upper Canada, as was pointed out by Doctor Charles Duncombe, Mr. Mahlon Burwell and other enlightened Members of the House of Assembly, during the years 1820-1836

When the first movement was made in favour of Common Schools in Upper Canada, in 1816, a sum then considered munificent was voted to sustain the newly established Schools. It was afterwards, however, reduced to less than one-half of the sum granted in 1816. This parsimony to the Common Schools was no less so, in practice, to the Grammar Schools, as time went on. In 1832 this penuriousness in the support of both kinds of schools had reached such a stage that, in a Report of a Select Committee to the House of Assembly, the Committee felt it to be their duty

Most earnestly and anxiously to draw the attention of Your Honourable House to the astounding fact, that less is granted by the Provincial Legislature for educating the Youth of three hundred thousand people, than is required to defray the contingent expenses of one Session of Parliament.

At that time, the Legislative Grant to the Grammar and Common Schools together was only about Four Thousand pounds (£4,000,) in all.

Steps were taken in 1820 to establish some system, both in regard to teaching and the management of the Schools. The desire was to introduce into this Province the Bell, or Madras, method of teaching, then in such favour in England. The Reverend Doctor Strachan greatly favoured this movement—involving as it did some sort of supervision over the desultory and uncertain management of the Schools, and the wretched mode of teaching then in daily practice in them.

Bishop Macdonell and Roman Catholic Education in Upper Canada, 1817.

In the "Reports on Canadian Archives," for 1896, by Doctor Brymner, Archivist at Ottawa, are copies of the Correspondence which took place between the Right Reverend Doctor Alexander Macdonell, Bishop of Regiopolis, (Kingston), and Lord Bathurst, Colonial Secretary, on the subject of the then establishment and promotion of Roman Catholic Schools in Upper Canada. The Correspondence extends from the 10th of January, to the 15th of June, 1817.

These letters are interesting, in connection with the record of Bishop Macdonell's efforts in the same direction, which is given on pages 192 and 284 of the Second Volume of the Documentary History of Education in Upper Canada.* Bishop Macdonell's first Letter to Lord Bathurst on this subject is as follows:—

Presuming on Your Lordship's kind condescension, and convinced, by experience, of the warm interest you take in the welfare of every class of His Majesty's subjects, who merit the approbation of their Sovereign and his Government, I take the liberty of laying before Your Lordship the following statement respecting His Majesty's Roman Catholic subjects of Upper Canada, in hopes that it will obtain Your Lordship's favourable consideration and approval.

The Roman Catholics in Upper Canada are about fifteen thousand (15,000) in number, and are spread over a great part of the Province. The Scotch Highlanders of that Religious persuasion are principally concentrated in what is called the Glengarry Settlement,—although a good many of them have dispersed themselves in the Country, as far as Kingston, and from thence to the head of the Bay of Quinty.

To administer to the spiritual want of all these settlers and to afford the necessary instructions to their youth would require, at least, six Clergymen, and eight or ten School Masters, who ought to be selected from their own countrymen, professing the same Religion, and speaking the same, (Gaelic,) language with themselves.

Of all the methods that can be devised to preserve to the children the loyal principles of their fathers, it is obvious that none can prove so effectual as implanting in their minds these principles, and conveying moral and religious instructions to them at an early age, in the emphatic language of their ancestors. Thus assured, by the double barrier, of their Language and Religion, they might, for a long time, stand proof against the contagious politics of their democratical neighbours, [in the United States].

The encouragement held out last year by order of His Royal Highness the Prince Regent, [of salary] to Public School Teachers, (without any distinction of Religious persuasion,) accompanying the Emigrants going to Canada, videlicet, £100 sterling per annum, and 200 acres of Land to Clergymen, and £50 sterling and 100 acres of Land to School Masters, could be all that could be required, or expected, by the Roman Catholics of that Province, for the people themselves would easily contribute whatever more might be necessary for the support of these public functionaries; and this bounty of the Government could not fail to operate as an additional tie on the loyalty and gratitude of the former, and a powerful stimulus on the latter to make them exert themselves in the assiduous discharge of their important duty.

It is my intention to establish the principal School at [St. Raphaels], my own place of Residence in the County of Glengarry,† in order that it may be under my own superintendence and direction, and, for this School, I wish to procure a few Masters in this Country, of superior talents and learning, capable of educating Gentlemen's sons upon a more liberal and extensive plan than what would be necessary for the lower class of

* See also Bishop Macdonell's Letter on the same subject to Lord Durham on page 146 of the Third Volume of that History.

† This School, or "Seminary," was established by Bishop Macdonell in 1825.

settlers. This would preclude the necessity of sending them to the United States, or to the French Seminaries of Lower Canada, as has been the case hitherto.

Should Your Lordship be disposed to consider an establishment of this kind in so favourable a point of view as to merit the countenance and protection of the Government, some aid might be afforded towards the support of it, without any direct application to the public purse, either from the Provincial funds or the latter,—which would require nothing more than a recommendation from Your Lordship to the Lieutenant-Governor, to extend to this Roman Catholic Seminary the same allowance as is given to the Protestant District Grammar Schools from the Provincial Treasury.

Another part of this subject to which I would presume to draw your Lordship's attention is Female Education.

Boarding Schools for Young Ladies in both the Canadas are kept principally by American Women, and every Book of instruction put into the hands of their pupils by these School Mistresses are of American manufacture, tinctured with the principles of their Government and Constitution, and holding up their own worthies as perfect patterns of every moral excellence. . . .

To arrest the rapid progress of this growing evil, . . . no plan could promise more certain success than the encouraging of a few English Nuns, or Religious Women, capable of imparting proper education and the necessary accomplishments to Young Ladies to go from this Country to settle in Upper Canada. Or, if any objections should be made to Nuns, secular women might be found sufficiently educated—for such an undertaking, but upon higher terms; nor could it be expected that these would pursue an object of this nature with the same perseverance as those who had relinquished every other prospect in life, with the sole view of rendering themselves useful to their fellow creatures.

All the encouragement necessary for the Nuns would be a trifling pension from Government, or from the Jesuits' funds, for a few years, until they could establish themselves in the Country; also a grant of a few acres of Land for their Buildings, Garden and walking ground for their scholars wherever they might find it most convenient to reside, and a grant of two, or three hundred acres of the Waste Lands of the Crown in the vicinity of their place of residence, from whence they could provide themselves with food, fuel and other necessaries of life.

When I inform your Lordship that, with the exception of the eight District Grammar Schools, which are principally taught by Clergymen of the Established Church, the education of youth of both sexes in Upper Canada is exclusively entrusted to American Teachers, . . . your Lordship will allow that the danger, against which I would wish to provide, is of a serious nature, and I feel confident that, to the liberal and enlightened mind of your Lordship, no apology is necessary for my present application in behalf of a numerous description of loyal subjects,—a great proportion of whom have been for six and twenty years under my own guidance and spiritual direction, and who, during twelve years of that period, bore arms in defence of their Country.

I have only to add that, in consequence of the countenance which my Lord Sidmouth was pleased to show to me, and to these people in 1803, I have been enabled so effectually to direct to our own Colonies, the destination of Scotch (Roman) Catholics, who have been under the necessity of quitting their native Country, that since that period not one of them has emigrated to the United States, although, during the same space of time, thousands of Scotch Presbyterians and innumerable Irish subjects in the British Colonies have so emigrated; and that these were not only lost forever to their native Country, but became its most formidable and inveterate enemies, and swelled the ranks of the American armies in their late attempt to conquer the Canadas, as will be certified by every British Officer employed during that time in these Provinces.

London, 10th of January, 1817. Alex Macdonell, V.G.

I have the honour to acknowledge the receipt of your favours, both of the 19th and 20th instant, and I beg you will accept my grateful thanks for the kind attention you have paid to my application, in behalf of the people under my charge. . . .

My Lord Bathurst is, I have no doubt, perfectly aware that (Roman) Catholic Clergymen are no less necessary in Upper Canada than (Roman) Catholic School Masters. I took the liberty of mentioning a circumstance, the last time I had the honour of seeing you, which renders the necessity the more urgent of getting a few Scotch (Roman) Catholic Clergymen into this Province. . . .

If the Government would but condescend to assist in enabling a few proper Clergymen and School-Masters to settle amongst the (Roman) Catholics of Upper Canada, I will pledge my life for their loyalty and good conduct.

LONDON, 25th of May (?), 1817. ALEX. MACDONELL, V.G.

I have the honour to acknowledge the receipt of your favour of the 6th instant, informing me that his Lordship Earl Bathurst has been pleased to order an allowance of One Hundred pounds, (£100,) per annum to each of the three Roman Catholic Clergymen, whom I wished to get out to Canada. I should be glad to know whether it will be necessary to those Clergymen and School Masters, going to Canada, to be provided with Letters from the Colonial Office here, in addition to the instructions that have been given to the Governor of the Province respecting them?

LONDON, 9th of June, 1817. ALEX. MACDONELL, V.G.

The Memorial of the Reverend Alexander Macdonell, Vicar General of Upper Canada, is humbly submitted.

Unto the Right Honourable the Earl Bathurst, Secretary of State for the Colonial Department.*

The Memorialist, by means of the influence which his situation and discharge of duty enabled him to acquire, induced, in the year 1791, several hundred of his countrymen, who finding themselves turned out of their possessions in the Highlands of Scotland, in consequence of the system of converting small farms into large sheep walks, were, when on the point of embarking for America, induced to settle in Glasgow and the neighboring manufacturing Towns and Villages; and, by way of encouragement, and forming a rallying point for them, went himself to reside in Glasgow, although with considerable danger to his personal safety, as no Clergyman of his persuasion had hardly ventured to stay one night in that Town, since the time of the mob of 1780.

In 1794, when the infection of French principles was making alarming progress through every part of the United Kingdom, and all the Fencible Corps raised in North Britain, with the exception of two, refused to march into England, the Memorialist was deputed by the body of Roman Catholics under his charge, to convey a loyal Address to His Majesty, accompanied by an offer to embody themselves into a Corps in defence of His Person and Government, and to extend their services into any part of the British Dominions, where it might be found necessary to employ them, which being accepted, a Letter of Service was, in consequence, issued for levying the Roman Catholic Regiment of Glengarry Fencibles to serve in Jersey, Guernsey and Ireland, and their example—in extending their service out of Britain,—was followed by all the Fencible Regiments that were raised subsequent to that period.

* This Memorial is inserted here, in connection with the foregoing Letters, for two reasons. The first is, that it explains the reference made to Bishop Macdonell's receipt of a pension for distinguished services in Canada during the War of 1812. My second reason for inserting the Memorial here is that it is a most interesting contribution to the History of this Province.

The Memorialist, being nominated Chaplain to the Corps, attended it constantly, for the space of eight years that it was embodied, and shared in all its dangers and fatigues, during the Irish Rebellion, while every other Regimental Chaplain availed himself of the permission that was given, of retiring upon four shillings a day, as the certificates of the Commanding Officer of the Corps, and the Secretary of War's Letter, of 10th January, 1803, can testify.

After the reduction of the Fencible Corps, while so many were emigrating to the United States of America, the Memorialist, under the protection of Lord Sidmouth, directed the destination of the disbanded Soldiers of the Glengarry Regiment, in 1804, to Upper Canada, where they settled themselves among their countrymen previously established in that Province; and the Memorialist has the satisfaction to assert that, owing to the same protection and the encouragement, which he had received for his adherents, he was enabled so completely to divert the destination of the Scotch Roman Catholics into the British Colonies, that, from that to the present time, not one of them to his knowledge, has gone to the United States.

The Memorialist, on the eve of the late American War, (of 1812), formed and submitted a plan for embodying the second Glengarry Fencible Regiment, which being approved of, the formation of that Corps, by his influence in the County of Glengarry, was in a few months completed, the gallantry and important services of which contributed so essentially to the defence of the Canadas.

The Memorialist, in order to impress, by his example as well as exhortation, on the minds of his flock the necessity of defending their Country, was himself, during the whole of that war constantly in the Field, participating in the privations and fatigues of the private soldier, and he had the honour of receiving, not only the thanks of the different Governors and Officers commanding His Majesty's Forces in those quarters, but also the acknowledgement of His Royal Highness the Prince Regent, with an addition of Fifty pounds (£50), to his former salary, as a mark of the sense which His Royal Highness entertained of his exertions in defence of the Provinces. . . .

The Memorialist, as Vicar General of Upper Canada, has the charge and spiritual direction of all the Roman Catholics in that Province, and is constantly obliged, in the discharge of his duty, to travel from one part of the Country to the other every year, which leads him to expense far beyond his present means,—being only One Hundred pounds (£100,) per annum from Government, and the precarious contributions of his hearers.

The Memorialist, therefore, humbly submits to your Lordship's consideration, whether his zealous and unremitting exertions for six and twenty years in the service of his Country, the losses he has suffered and the difficulty of discharging his ostensible and important situation, without more adequate means, should be deemed reasonable grounds for making some addition to his present salary of One Hundred pounds (£100,) a year.

The Memorialist wishes it to be perfectly understood, that he considers what he actually receives, or may receive from Government, as a matter of favour and condescension, and not as a right; and that his attachment to his Sovereign and to his Country is built upon the unshaken foundation of conscientious principle, which cannot be strengthened by additional favours, nor weakened by disappointment.

London, 15th of June, 1817. Alexander Macdonell, V.G.

The School Act of 1816 Amended and Enlarged in its Scope.

1st GEORGE IV., CHAPTER VII.

An Act to amend and continue, under certain modifications, an Act passed in the Fifty-sixth Year of His Majesty's Reign (1816) intituled "An Act granting to His Majesty a Sum of Money, to be applied to the use of Common Schools throughout this Province, and to provide for the Regulation of the said Common Schools."

Sir Peregrine Maitland, Lieutenant-Governor.

Passed 7th March, 1820.

Most Gracious Sovereign:

Preamble.

Sec. 4 George IV., Sess. 2, ch. 8. 4 George IV., ch. 36, 2 Vic., ch. 61.

56th George III., ch. 36, continued with certain exceptions.

Whereas it is expedient, for the encouragement of education, to continue, under certain modifications, an Act passed in the fifty-sixth year of His Majesty's reign, intituled, "An Act granting to His Majesty a sum of Money, to be applied to the use of Common Schools throughout this Province." Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Asembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign," intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same that the said Act of the fifty-sixth year of His Majesty's reign, except the first, the tenth, twelfth, and so much of the thirteenth clauses as fixes the salary to be paid to any Common School to twenty-five pounds, which is hereby repealed, be, and the same is hereby continued.

£2,500 to be paid annually in aid of Common Schools.

Distribution.

Sec. 4 George IV., ch. 36.

2. And be it further enacted by the authority aforesaid that for the establishment of Common Schools in each and every District of this Province, there shall be annually paid, during the continuance of this Act, the sum of two thousand five hundred pounds, in manner hereinafter mentioned, out of any moneys which are now raised or levied, or which hereafter may be raised or levied by authority of Parliament to and for the use of this Province; of which said sum of two thousand five hundred pounds there shall be paid annually to the Home District two hundred and fifty pounds; to the District of Newcastle, two hundred and fifty pounds; to the Midland District, two hundred and fifty pounds; to the Johnstown District, two hundred and fifty pounds; to the Eastern District, two hundred and fifty pounds; to the District of London, two hundred and fifty pounds; to the District of Gore, two hundred and fifty pounds; to the Niagara District, two hundred and fifty pounds; to the Western District, two hundred and fifty pounds; to the District of Ottawa, two hundred and fifty pounds.

Sums to be equally divided among teachers.

Proviso.

3. And be it further enacted, by the authority aforesaid, that the moneys granted by this Act shall be equally portioned to the Teachers of the several Common Schools in each and every District of this Province to be paid to the Teachers yearly or half-yearly, as may be directed by the said Trustees. Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to authorize the payment of a greater sum than twelve pounds ten shillings to the several Teachers of the said Schools.

Board of Trustees' powers in each District.

4. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Board of Education, in each and every District, to nominate and appoint a Clerk to the said Board, and direct the Treasurer of the District to pay him annually out of the moneys in his hands for the purposes of this Act, a sum not exceeding five pounds.

No warrant to issue to any District Treasurer till the sums heretofore paid have been accounted for.

5. And be it further enacted, by the authority aforesaid, that anything in the said Act of the fifty-sixth year of His Majesty's reign notwithstanding, it shall not be lawful for the Governor, Lieutenant-Governor, or person administering the Government, to issue any further warrant on the Receiver-General, under the provisions of the said Act, to any District Treasurer until a faithful account shall be rendered, authenticated by proper vouchers, and attested by the oath of the respective Treasurers, of the expenditure of the sums already advanced, or which may hereafter be advanced, on account, to their respective Districts.

Disposition of balances in the hands of District Treasurers.

Compensations to the Treasurer.

6. And be it further enacted, by the authority aforesaid, that when any balance shall remain in the hands of the Treasurer of any District beyond the payment of the lawful requisitions, orders or certificates, of the Trustees, respectively, after the first day of July next, it shall and may be lawful for the said Treasurer to retain so much thereof as is directed to be paid by this Act in any one year to the District of which he is Treasurer, to carry into effect the provisions of this Act, and the balance thereof pay over to His Majesty's Receiver-General, for the public uses of this Province, on or before the said first day of July.

How the moneys hereby granted are to be paid and accounted for.

7. And be it further enacted, by the authority aforesaid, that the money hereby granted to His Majesty shall be paid by the Receiver-General in discharge of such warrant or warrants as shall, for the purpose herein set forth, be issued by the Governor, Lieutenant-Governor, or persons administering the Government of this Province, and shall be accounted for by the Receiver-General of this Province to His Majesty, His heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Continuance of this Act.

8. And be it further enacted, by the authority aforesaid, that this Act shall be, and is hereby declared to be, in force for and during the term of four years, and from thence to the end of the next ensuing Session of Parliament, and no longer.

PROCEEDINGS OF THE HOUSE OF ASSEMBLY IN REGARD TO THE IMPERIAL GRANT OF CROWN LANDS IN 1797 FOR THE SUPPORT OF GRAMMAR SCHOOLS AND SEMINARIES.

February 4th, 1831.—Mr. Charles Ingersoll, from the Committee to wait upon His Excellency the Lieutenant-Governor with the Address of this House of certain documents relative to School Townships and Lands set apart for the purposes of Education, etcetera, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer.

February 7th, 1831.—Mr. Secretary Mudge brought down from His Excellency the Lieutenant-Governor, a Message. Having retired, the Speaker read the same as follows:

1. The Lieutenant-Governor, in compliance with an Address respecting the School Townships, transmits the accompanying documents, and acquaints the House of

Assembly that the Joint Address [of the Legislature in 1797] referred to, cannot be found; but that this document appears unnecessary to establish, under whose charge the reserves were placed; as the substance of the Address is quoted in the Duke of Portland's Despatch [of 1797], and intention of His Majesty communicated to authorize the Governor-in-Council to set apart a portion of the Crown Lands towards the foundation of a School Fund, "out of which His Majesty may allot such salaries as he shall judge proper."

2. The Reports of the Executive Council on this subject are annexed, on the framing of which, it will be perceived, the Judges and Law Officers of the Crown were consulted.

3. The document Number 1, referred to in the Letter of the 13th May, 1823, is an extract of Sir Peregrine Maitland's Despatch, respecting School Lands, and the organization of Schools; and the document Number 2, referred to, has been laid before the House. It is an extract from Lord Bathurst's Despatch, in answer to the suggestions of Sir Peregrine Maitland.

4. The account of the Board of Education to the end of the year 1829, including the expense of collection of proceeds of sale of School Lands, and their application has been laid before the House of Assembly at the last session.

5. The detailed account of the number of Acres sold in each Township, and the account of the Board to the end of 1830, shall be forwarded to the House.

6. The Lieutenant-Governor acquaints the House, that the arrangements for the endowment of the Upper Canada College, are not yet completed, and that he has suggested the expediency of dividing and exchanging part of the land of the School Townships, for the purpose of raising the value of the School Lots, and transferring an equal number of Acres in other Townships to the General Board of Education.

7. The Report of the Executive Council on this subject is annexed.

GOVERNMENT HOUSE, YORK, 7th February, 1831. J. COLBORNE.

Mr. William Morris, seconded by Mr. Mahlon Burwell, moves that the Message of His Excellency the Lieutenant-Governor on the subject of School Lands, together with the accompanying Documents sent down by His Excellency this day, be referred to the Select Committee on School Lands, which was ordered.

Mr. William Morris, from the Select Committee to whom were referred the several Documents sent down by the Lieutenant-Governor, the subject of School Lands, informed the House that the Committee had agreed to a Report, which he was directed to submit for the adoption of the House. The Report was received and was read as follows:

FIRST REPORT OF SELECT COMMITTEE OF THE HOUSE OF ASSEMBLY ON SCHOOL LANDS, 1831.

To the Honourable the Speaker of the Upper Canada Commons House of Assembly:

The Committee appointed to consider and report on the Documents sent down to this House by His Excellency the Lieutenant-Governor, on the subject of School Lands, respectfully beg leave to make this their first Report:

Your Committee upon a perusal of these important papers learn that in the year 1797, the Legislative Council and House of Assembly of this Province, passed a Joint Address to His Majesty, "imploring that His Majesty would be graciously pleased to direct the appropriation of a certain quantity of the Waste Lands of the Crown, as a Fund for the establishment and support of a respectable Grammar School in each District thereof; and also of a College, or University, for the instruction of youth in the different branches of liberal knowledge;" to which His Majesty was graciously pleased to express his intention to comply with the wishes of the "Legislature of His Province of Upper Canada, in such a manner as should be judged to be the most effectual:

"First, by the establishment of Free Grammar Schools in those Districts in which they are called for, and in due process of time by establishing other Seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the Arts and Sciences."

For which purpose Mr. President Russell was directed to consult the Members of the Executive Council, and the Judges and Law Officers of the Crown; and to report in what manner, and to what extent, a portion of the Crown Lands might be appropriated, and rendered productive towards the formation of a fund for these purposes, out of which His Majesty might allot such salaries as he should judge proper for the School Masters of such Free Schools as should thereafter be appointed; and, on the 1st December, 1798, the Executive Council reported to Mr. President Russell: "That an appropriation of 500,000 Acres, or ten Townships, after deducting the Crown and Clergy sevenths, would be a sufficient fund for the establishment and maintenance of the royal foundation of four Grammar Schools and a University in the Province of Upper Canada;" and that the proposed School Fund should, when raised, be applied:

1st. For the erection of the necessary Buildings.

2nd. For the payment of the salaries of the Masters.

3rd. For keeping the Buildings in repair, and the purchase of Books and Philosophical Apparatus; and that £3,000 currency should be applied to erect each (District) Building; and £180 per annum for the establishment and support of a Free Grammar School in each District.

Your Committee, upon looking over the remaining Documents, which His Excellency had the goodness to communicate to this House, are informed that the attention of the Council was again directed to the School Land reservation, on the 7th January, 1819; and that they reported to His Excellency, Sir Peregrine Maitland, that no trace of any answer to the Report of the Council of 1st December, 1798, could be found in the Council Office; that as they were of opinion, with the then Attorney-General (Hagerman,) that the appropriation of Land was not sufficiently sanctioned to authorize a grant in other portions than limited by His Majesty's Commission, they thought it proper to recommend that His Excellency should call the attention of His Majesty's Government to a formal sanction to sell, lease, grant and dispose of the said 500,000 Acres of Land for the purpose of establishing a University in this Province, endowed by Royal Charter, as provision for District (Grammar) Schools was not, by them, thought necessary out of this Fund, as it had been already made by the Legislature; and that, in order to construct the necessary Buildings, the sum of £10,000 would be required with an endowment of £4,000 per annum for the payment of salaries.

From this condensed view of the proceedings of the Executive Council, in 1798, on the munificent provision for the diffusion of education in this Province, the Committee are struck with the singular fact that no apparent benefit has resulted to the inhabitants of the country from the School reservation for a period of thirty years; and that the original intention of the Legislature expressed in the Joint Address to His Majesty in July, 1797, as well as His Majesty's most gracious desire to meet their wishes by the establishment of Free Grammar Schools in those Districts in which they are called for, and in due process of time to establish other Seminaries of a more extensive nature, have hitherto, as far as your Committee can judge, been lost sight of, and for no other reason that your Committee can discover than that a (Grammar) School has, by an Act of the Legislature (in 1807) been already established in each District, with a salary of £100 to the Master.

But this very limited provision, your Committee respectfully submit, ought not to deprive the people of their just claim to a participation in the benefits of the School Lands, and, to that end, the Committee suggest that the Legislature ought now to address His Majesty, setting forth the great value of these Lands and the ample means which they

afford to carry into effect the benevolent intentions of His late Royal Father, (in 1798), by an endowment from their proceeds for each District of at least £400, which, added to the present appropriation, would support eleven respectable Seminaries, where the youth of the Province generally might receive a liberal education, without being removed many hundred miles from the tender care and watchful authority of their parents, as must be the case if these Lands are exclusively applied to establish and support King's College, or any other extensive University, which can only be viewed as of benefit to those whose wealth enables them to bear the great expense of sending their children to the Capital of the Province.

Your Committee also recommend that, besides the above endowment, the sum of £2,000 might be set apart for the annual support of a Provincial Seminary at York, whether called Upper Canada College, or by any other name; and that a suitable sum should be expended to erect the necessary Buildings, and also to defray the expense of buildings for Free Grammar Schools [in the various Districts, as originally intended].

That, besides these endowments, your Committee are of opinion that the great value and extent of the reservation will afford the means of providing a salary of £50 each to the Teachers of at least Twelve Township (Common) Schools in every District, and thus give to Upper Canada a System of Education that might well be envied by any other Colony in His Majesty's Dominions.

The data upon which your Committee have made the foregoing suggestions are the following, videlicet: That the whole reservation of 549,217 Acres, if sold at the average price of ten shillings ($2) per Acre, would give a capital of £274,608, producing, if invested at the rate of 5 per cent. interest, an annual income of £13,730, a sum sufficient to endow the Schools (as detailed in the following table,) which your Committee conceive to be necessary, besides leaving an important balance to defray the expense of the sales and the collecting of the money.

11 (Free) Grammar Schools at £400 each is	£4,400	
1 College at York	2,000	
132 Township (Common) Schools, being 12 in each District, at £50	6,600	
Balance to defray the expenses of sales, etc.	730	
		£13,730: $54,920

Your Committee, in assuming that these Lands will sell at the above rate, conceive that they have much underrated their actual value, as it is generally understood that the Council of King's College have estimated 225,273 Acres of Crown Reserves, which were exchanged for, and now form a part of, the School reservation, as worth one pound an Acre.

Your Committee, taking all the circumstances of this highly important subject into their most serious consideration, and averse to an extensive endowment out of this fund to King's College or any other University, until the original intention of founding a Free Grammar School in each District has been first carried into effect, earnestly recommend to the House that an humble Address be forthwith transmitted to His Majesty, respecting the manifest injury that is inflicted on the inhabitants of this Province by the endowment of the best half of the School reservation for the establishment of a Seminary far exceeding the wants of this country, and solemnly beseeching His Majesty to listen to the anxious desire of his faithful subjects in Upper Canada by arresting the alienation of these Lands from their original purpose, and placing them under the control of the consideration of the House. All of which is respectfully submitted.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
YORK, 23rd February, 1831.

WILLIAM MORRIS,
Chairman.

Important and Comprehensive Character of this Report.

No one can read this Report in the light of the past and later educational legislation without being struck with its comprehensive character. It admirably summarized the causes of former discontent throughout the Province at the ineffectiveness of previous educational efforts, and of the failure of the District (Grammar) School Acts of 1807, 8, to provide for the general education of even the class of the community for which these higher Schools were originally intended.

It is a curious and interesting fact to notice that this educational Report of 1831 laid down the principle of Grammar School expansion and legislation, which was, without hesitation, adopted twenty-five years later; while the principle of free Schools, of which we are now so proud, was enunciated and strikingly illustrated by the examples of Nova Scotia and the United States by the Reverend Doctor Strachan, in his elaborate Report, (as President of the General Board of Education of Upper Canada), to Sir John Colborne, dated the 5th of February, 1829. . . .

The effect of the Report was to call forth from the Executive Council, in the following April, under direction of Sir John Colborne, a full explanation of the causes why the Free Grammar Schools had not been established in the several Districts, as was intended by the terms of the Duke of Portland's Despatch of November 4th, 1797.

The Resolutions of the Committee were appended to the Report. They embody in brief, yet clear language, the conclusions arrived at by the Committee.

February 25th, 1831.—Mr. Marshall S. Bidwell, seconded by Mr. John Campbell, moves, that it be

Resolved, That an humble Address be presented to His Majesty, setting forth [among other things], That His Majesty's faithful Commons, deeply impressed with the injustice and impolicy of excluding any of His Majesty's subjects in this Province from an equal share of the benefit and assistance to be derived from the Clergy Reserves, have desired that they should be sold and the money produced by the sale be applied, under the direction and control of the Provincial Legislature, to the general improvement of the Province and the support of Education.

2. That the Charter of King's College, which we are persuaded was intended for the benefit of His Majesty's subjects generally, contains principles of religious supremacy and exclusion, in favour of the Church of England, which are inconsistent with that equality of rights and privileges which Christians of all Denominations in this Province deserve, and which they confidently expect from His Majesty's gracious and paternal feelings towards them.

3. That we most humbly request that His Majesty will be pleased to take the Charter into his most gracious consideration, and to cause such a modification to be made in its provisions as will entirely remove from it everything of a sectarian or exclusive character, and adapt it to the wants and wishes of the people of this Province, and that Messieurs Peter Perry and James Lyons be a Committee to draft and report said Address, and that the 32nd rule of this House be dispensed with, so far as relates to this motion.

March 7th, 1831.—Mr. William Berczy, Chairman of the Committee on Finance, informed the House that the Committee had agreed to a Report, which he was ready to submit whenever the House would be pleased to receive the same. This Report was received and read. The following portions of it related to the expenditure for District (Grammar) Schools, videlicet:

EXPENDITURE FOR GRAMMAR SCHOOLS, 1830, 1831.

The Niagara District (Grammar) School, from 1st November, 1829, to the 30th June, 1830...	£66 11 6½		
The District (Grammar) Schools in the Johnstown, Gore, London, Bathurst, Eastern, Midland, Newcastle, Home, Ottawa and Western Districts, ten Teachers, from the 1st of July to the 30th of June, 1831, at £100 each	1,000 0 0		
		£1,066 11 6½	= $4,266 31

EXPENDITURE FOR COMMON SCHOOLS, 1830, 1831.

Common Schools in the Ottawa and Western Districts at £200 each	£400 0 0		
Common Schools in the Home, London, Bathurst, Niagara, Eastern, Newcastle, Midland, Johnstown, and Gore Districts—allowances for 1830, nine at £250 each	2,250 0 0		
		2,650 0 0	
Paid to the Treasurer of the General Board of Education, for the purchase of Books for Common and Sunday Schools		150 0 0	
		£3,866 11 6½	= $15,466 31

March 16th, 1831.—Agreeably to the Order of the Day, the House went into Committee of the Whole on the Report of the Select Committee on School Lands. Mr. John Clark was called to the Chair.

The House having resumed, Mr. Clark reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House. The Report was received, and the Resolution was adopted, *nemine contradicente,* as follows:

Resolved, That His Majesty, in the year one thousand seven hundred and ninety-seven, was graciously pleased to communicate to the Government of this Province, by a Despatch from the Duke of Portland to Mr. President Russell, in answer to a Joint Address of the Legislature of Upper Canada, His Majesty's instructions to set apart a certain portions of the waste Lands of the Crown as a fund for the establishment and support of a Free Grammar School in those Districts in which they are called for, and in due process of time to establish other Seminaries of a more comprehensive nature.

December 20th, 1831.—Agreeably to the Order of the Day, the Journals of the last Session relative to School Lands were read.

Mr. William Morris, seconded by Mr. Charles Duncombe, moves that the House do now resolve itself into a Committee on the proceedings of last Session, relative to the School Lands Reservation, which was carried, and Mr. John Clark was called to the Chair.

The House having resumed, Mr. Clark reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House. The Report was received. The Resolutions were put and carried as follows:

1. *Resolved*, That His Majesty, [on November the 4th,] in the year 1797, was graciously pleased to communicate to the Government of this Province, by a Despatch from His Grace the Duke of Portland, to Mr. President Russell, in answer to a Joint

Address of the Legislature of Upper Canada, His Majesty's intention to set apart a certain portion of the waste Lands of the Crown, as a fund for the establishment and support of "Free Grammar Schools in those Districts in which they are called for, and, in due process of time, to establish other Seminaries of a more comprehensive nature."

2. *Resolved*, That, although more than thirty years have elapsed since His Majesty made this most gratifying communication, it does not come within the knowledge of this House, that even one Free Grammar School has been endowed from these Lands, or any other Seminary established out of that reservation.

3. *Resolved*, That the establishment, by the Legislature, of a Public (Grammar) School in each District, with a salary of one hundred pounds currency (£100) paid out of the Provincial Treasury, to the Master, does not afford sufficient means to instruct the youth of the Province in the several branches of classical and scientific learning, and ought not, therefore, to be considered as a reason for withholding the support which His Majesty intended for the free District Grammar Schools.

4. *Resolved*, That it is most important to the contentment and welfare of the people of this Province, that the School Lands be applied to the purposes for which they were originally intended, and immediate steps be taken to represent to His Majesty's Government, that the several Districts, from their extensive and rapidly increasing population, are now in a state to require the establishment of Free Grammar Schools, with a suitable endowment, which Schools, if incorporated with the present District (Grammar) Schools, would afford the means of respectable support to a Master and two Assistants in each, and thereby enable the inhabitants, generally, to confer the blessings of a liberal education, and find employment as Masters for such of them as may be found to have made such necessary proficiency in the acquirement of classical and scientific knowledge.

5. *Resolved*, That it would be much more satisfactory to the people of this Province, if the moneys arising from the sale of the School Lands were paid immediately into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature, instead of the present arrangement, as not only the control of the funds, but the general superintendence and organization of the whole system, would thus be open to public inspection and approval.

6. *Resolved*, That an humble Address be presented to His Majesty, setting forth the substance of the foregoing Resolutions and imploring His Majesty's early attention to the anxious hope of His Majesty's faithful subjects of Upper Canada, that the School Lands may not be applied to any other object than that for which they were intended by His Majesty's late Royal Father, King George the Third.

7. *Resolved*, That the Chairman of the Committee be instructed to draft and report to the House, an Address to His Majesty, founded on the foregoing Resolutions.

Agreeably to this order, Mr. John Clark, Chairman of the Committee of the Whole House, on the subject of School Lands, reported the draft of an Address to His Majesty, which was received, read twice, concurred in.

December 23rd, 1831.—Agreeably to the Order of the Day, the Address to His Majesty on the subject of School Lands was read a third time and passed, *nemine contradicente*, as follows:

To the King's Most Excellent Majesty:

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's most dutiful and loyal subjects, of the Commons of Upper Canada, in Provincial Parliament assembled, most humbly approach Your Majesty, to represent that in the year 1797, Your Majesty's Royal Father, George the Third, was graciously pleased to communicate to the Government of this Province, in answer to a Joint Address

of the Legislature, of Upper Canada, His Majesty's intention to set apart a certain portion of the waste Lands of the Crown, as a Fund for the establishment and support of a Free Grammar School in those Districts in which they are called for, and in due process of time establish other Seminaries of a more comprehensive nature.

That, although more than thirty years have elapsed since His Majesty made this gratifying communication, it does not appear that even one Free Grammar School has been endowed from these Lands, or any other Seminary established out of that reservation.

We would further represent to Your Majesty, that the establishment by the Legislature of a Public (Grammar) School in each District, with a salary of one hundred pounds currency paid out of the Provincial Treasury, to the Master, does not afford sufficient means to instruct the youth of the Province in the several branches of classical and scientific learning, and ought not, therefore, to be considered as a reason for withholding the support which His Majesty intended for the Free Grammar Schools.

It is, therefore, most important to the contentment and welfare of the people of this Province, that the School Lands, amounting to five hundred and forty-nine thousand two hundred and seventeen Acres, be applied to the purposes for which they were originally intended; and, as the several Districts are, from their extensive and rapidly increasing population, in a state to require the establishment of Free Grammar Schools, which, if suitably endowed, and incorporated with the present District (Grammar) Schools, would afford the means of respectable support to a Master and two Assistants in each, and thereby enable the inhabitants of the Colony to confer the blessings of a liberal education on their children, and find employment as Masters for such of them as may be found to have the necessary proficiency in the acquirement of classical and scientific knowledge.

We also represent to Your Majesty, that it would be much more satisfactory to the people of this Province, if the moneys arising from the sale of School Lands were paid into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature, instead of the present arrangement, as not only the control of the funds, but the general superintendence and organization of the whole system, would thus be open to public inspection and approval.

We therefore, humbly implore Your Majesty to place the School Lands at the disposition of the Legislature of the Province, to be applied exclusively for the purpose intended by Your Majesty's Royal Father, King George the Third, in 1797.

COMMONS HOUSE OF ASSEMBLY, 23rd day of December, 1831.

ARCHIBALD McLEAN, *Speaker.*

Mr. Acting Secretary McMahon brought down from His Excellency the Lieutenant-Governor several Messages and documents. Having retired, the Message relating to School Lands was read by the Speaker as follows:

In transmitting the accompanying Memorials and Correspondence, in compliance with an Address from the House of Assembly, the Lieutenant-Governor acquaints the House that from the Documents in his possession it appears that in compliance with a Joint Address of the Upper Canada Legislature in 1797, praying that a certain portion of waste Lands of the Crown might be appropriated for the establishment and support of a Free Grammar School in each District,—and also of a College, or University, for the instruction of youth in the different branches of liberal knowledge,—the Secretary of State for the Colonies expressed His Majesty's intention to comply with the wishes of the Legislature, in such a manner as should be judged most effectual, first, by the establishment of Free Grammar Schools in the Districts in which they are called for, and, in due time, by establishing other Seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of Arts and Sciences; and

directed that the Executive Council and Law Officers of the Crown should be consulted on this subject.

In consequence of these instructions, the local Government, in 1797, recommended twelve Townships to be set apart for the purposes of Education, or about 549,217 Acres, and it appears that none of the Reserves were alienated till the year 1823, when Lord Bathurst, the Colonial Secretary, authorized a General Board of Education to be formed, and a portion of the reserves to be applied, under the management of the Board, towards raising a fund for the establishment of Township Schools, [*i.e.*, Church of England National Schools.]

In the year 1827, His Majesty's Government ordered 255,273 Acres of Lands originally set apart for the purpose of Education, to be transferred to the Crown, in lieu of the leased Crown Reserves granted to the University as an endowment for the Institution, and lately 66,000 Acres have been set apart for the support of Upper Canada College and Royal Grammar School, and for the purpose of raising a fund, from which the advances made to establish that Seminary, by the University Council, and by the General Board of Education, may be repaid.

GOVERNMENT HOUSE, YORK, 24th December, 1831. J. COLBORNE.

ENQUIRY AS TO A PROPOSAL TO ENDOW THE DISTRICT GRAMMAR SCHOOLS.

The series of Resolutions on the Royal Grant of Lands for Grammar Schools and a University, made in 1797, passed during the last Session of the Legislature by the House of Assembly, had the effect of bringing the whole matter again more fully before the House of Assembly during its second Session of 1831.

Sir John Colborne wished the mto examine into the whole question as to why the endowment of Free District Grammar Schools, as provided for in the original grant of 1797, had not been carried out. He, therefore, in June, 1831, issued a Circular to the various Boards of District Grammar Schools, on the subject of a land grant to these Schools. He evidently felt that the Royal instructions of 1797, accompanying the Grant of Lands for "free Grammar Schools," and "Seminaries of a more comprehensive nature," had not been carried out.

The Report submitted to the Lieutenant-Governor by the Executive Council was an elaborate and carefully prepared document. It fully explained why it had not been possible to carry out the Royal instructions of 1797, chiefly for two reasons: First, from the fact that the lands originally chosen were not judiciously selected; and secondly, that in consequence of this ill-advised selection, and the low price of the land so set apart, it was not possible to realize a fund large enough to provide for a "free Grammar School" in any one of the Districts of the Province.

The following is the Report of the Honourable the Executive Council on that part of His Excellency the Lieutenant-Governor's Reference to it of May, 1830, recommending that the District (Grammar) Schools should be endowed with Land:

EXECUTIVE COUNCIL CHAMBER AT YORK,
Friday, 29th April, 1831.

To His Excellency Sir John Colborne, K.C.B., Lieutenant-Governor of Upper Canada.

MAY IT PLEASE YOUR EXCELLENCY:

The attention of the Executive Council having been particularly directed to that part of Your Excellency's reference of May, 1830, recommending that the District (Grammar) Schools should be endowed with Land, they have the honour to report:—

1. That the original appropriation of Lands, made under the sanction of His Majesty's Government in 1797, in order to raise a fund for promoting Education, consisted of 549,217 Acres.

2. That, subsequently, to facilitate settlements, and for other objects, the Government has, from time to time, granted Land to individuals, or resumed in order to grant, these various portions of the original reservation, and replaced the same from Lands more recently surveyed.

3. That of the original reservation there has been transferred to the Provincial Government, in lieu of the Crown Reserves with which the University of King's College is endowed, 225,273 acres; and, by a recent Order from His Majesty's Government, a Township has been set apart as an endowment for Upper Canada College and Royal Grammar School; and that some portion of the remainder has, from time to time, been sold under the direction of the General Board of Education, so that the School Lands at the disposal of the Provincial Government for increasing the means of Education in the District (Grammar) Schools cannot be safely taken at more than 240,000 Acres, all of which are situated in the Midland, Home and London Districts.

4. That the original reservation was an injudicious selection. *Firstly*, because it was confined to three Districts. *Secondly*, because it was made in whole Townships. *Thirdly*, because several of these Townships were found to be of very indifferent Land. . . . It is, therefore, recommended that such lots as are found to be bad, or indifferent, be exchanged for other Crown Lands more available, and that only parts, and not whole Townships, be retained, because it is impossible to dispose of Lands unless surrounded by settlement, and the greater portion of what remains of the School Lands is far removed from the populous part of the Province.

5. In regard to the endowment of the District (Grammar) Schools, the General Board of Education appeared inclined to apportion the reservation of School Lands equally among them, under some such conditions as the following:

(1) That no part of such endowment should be sold under ten shillings per acre.

(2) That only the interest should be expended on the Schools.

(3) That the principal arising from all sales of School Lands be remitted to His Majesty's Receiver-General, to be invested in public securities, so that the income might become regular and certain.

6. On further examination, however, very serious, and, in the opinion of the General Board of Education, insurmountable difficulties stand in the way of this arrangement.

Firstly.—Only three Grammar Schools can receive their endowment within their respective Districts, as the School Lands are at present situated.

Secondly.—That the School Lands in the London District are far more valuable than those in the Home and Midland Districts; and that, in justice, the whole endowment for any one School cannot be taken from the Reserve in the London District without prejudice to all the other schools.

Thirdly.—That, in consequence, no District (Grammar) School can, with propriety, have the whole of its endowment in its own District.

Fourthly.—That the Trustees, not having the endowment in their respective Districts, would find it exceedingly difficult to manage the sales of Lands at a distance.

Fifthly.—That the expense of management, under such an arrangement, would be very much increased.

Sixthly.—That the quality of the Lands is so different that, with every care to make a fair distribution, some endowments would be found more valuable, and sooner available, while others might produce no revenue for many years.

Seventhly.—That such a result would not only give rise to jealousies, but would retard the great object of the appropriation, which is the gradual and uniform improvement of the District (Grammar) Schools throughout the whole Province.

7. That, after giving this important subject their best consideration, the Executive Council has been forced to the conclusion that the whole of the remaining School Lands, consisting of about 240,000 acres, should be placed under the direction of the General Board of Education for the Superintendence of Education throughout the Province—an Institution which rests upon authority equal to that of any other Department in the Colony, and which was not established without the full knowledge and approbation of both the Imperial and Provincial Governments.

8. That each District Board of Trustees for the District Grammar School be incorporated with the General Board of Education, and communicate therewith through its Chairman, or Secretary.

9. That the Treasurer of the General Board of Education be directed to open account with the several Districts, and to credit them with their proportion of the interest arising from the money hitherto received, or hereafter coming into his hands from the sales of the said Lands.

10. That the capital arising from such sales be lodged in the hands of the Receiver-General half yearly, to be invested in public securities, under the direction of the Governor-in-Council; and that the annual income only be expended on behalf of the Schools.

11. By this arrangement, a District (Grammar) School Fund will be gradually accumulated, and although it may not for some time be considerable, yet it cannot fail to be ultimately great; and it should be borne in mind that public institutions of this kind are for the benefit of the future, as well as of the present generation, and can seldom be made extensively available when first established.

12. There is, however, little doubt but that from judicious exchanges which may be effected, and the rapid increase of population, the General Board of Education will be enabled to give much assistance to the several District (Grammar) Schools at no distant period.

13. This plan offers many advantages of great importance:

First.—The General Board of Education will virtually possess all the knowledge and experience of the several District Trustee Boards, from its communication with their Chairman; and an interest in its proceedings and success will thus be diffused through the whole Province.

Second.—The improvement of the District (Grammar) Schools will be equal and uniform—a benefit of no small aomunt.

Third.—Should other Districts be formed, it will only be requiring a new account in the Treasurers' Books, that it may receive its due share of the available funds.

14. A general reservation of Lands, producing gradually a School Fund, instead of partial endowments, is supported by the example of such of the neighbouring States as have attended to the raising of a permanent fund for the purposes of Education, and doubtless, from its superior advantages in simplifying arrangements, and facility and cheapness of management.

15. Before closing this Report, the Executive Council think it proper to advert to the assertion frequently brought forward, that the School Reservation might have been made long ago far more productive, and yielding by this time a large dispoosal fund.

16. It is on record, (in a Report of Council, dated the first December, 1798, soon after the appropriation was first made) that, on examination, such was the cheapness of Land, videlicet: nine pence per acre, that the whole, had it been sold, would not have furnished a sum sufficient for the decent support of two Grammar Schools.

17. That so long as millions of Acres were in course of grant, (which was the case till 1828) by the Crown in fee simple, for almost nothing, and more than half the population were entitled, from various causes, to gratuitous grants, no Lands could have been sold for any price near their value; therefore sales of School Lands were delayed for more propitious times; nor has the conduct of the Provincial Government differed in

this respect from that of individuals, many of whom, who are not wanting in a due regard for their own interest, have, throughout the same period and from the same temporary causes, derived no benefit whatever from the twenty, forty, fifty, or even one hundred thousand Acres, which some of them have possessed.

18. Any objection, therefore, on this head is evidently founded in error; and calculations founded upon the receipt of large sums of money derived from sales which could never have been effected, can only be brought forward by those who have not fully understood the subject.

19. Were the General Board of Education for the Superintendence of Education constituted a Corporate Body, to enable it to hold Lands, etcetera, and the School appropriations relieved from assessments till actually sold, its operations might be greatly facilitated.

All of which is most respectfully submitted.

York, 29th of April, 1831. James Baby, *Presiding Councillor.*

The Sessions of the Legislature in 1831, 1832 and 1833 were exceedingly fruitful in Motions, Resolutions, Reports and Drafts of Bills for the promotion of Education in various ways.

In opening the Legislature in 1832, Sir John Colborne said:

"His Majesty having acceded to a request of the House of Assembly in respect of the appropriation of the sums arising from the sale of Lands formerly set apart for the support of Grammar Schools . . . the accounts will be delivered over to the King's Receiver-General at the close of the year. . . .

"It will be for you to decide upon the practical mode of applying to the intended object these School Funds. . . ."

In reply to His Excellency's Speech from the Throne, the Address of the House was as follows:

"The practical mode of applying the School Funds to the intended object is a matter of deep importance; and we are aware of the solicitude with which the public will view our deliberations upon a matter in which their dearest interests are so essentially concerned; and it is gratifying to us to receive the assurance of Your Excellency's concurrence in such enactments as may appear best calculated to secure the interests of the people."

In December, 1832, a Committee of the House of Assembly recommended that the Lands still remaining unsold of the Imperial Grant of 1797 be placed under the management of a Board of Commissioners as recommended in His Excellency's Speech from the Throne and in the Report of the Executive Council in April, 1831.

Draft of a Bill on Grammar School Education in Upper Canada, 1832.

This Draft of a Bill on the subject of Education also accompanied the second Report of the Select Committee of the House of Assembly in 1832. It was prepared chiefly by Mr. Mahlon Burwell, the Chairman of the Committee. It was most comprehensive in its scope, and was really intended to give system to, and infuse vigour into the administration of Educational affairs in Upper Canada. Its main feature was the calling into existence of a General Board of seventeen Educational Commissioners, including the Speakers of the two Houses of the Legislature. To this Board was to be entrusted the management of the official

machinery created by the Bill; five of these seventeen persons, from a list of twenty-five, selected by the District Grand Jury, were to be appointed to act also as Trustees of the Public (Grammar) School in each District, etcetera.

The Bill further provided for the erection of School Houses and Teachers' Residences. Its eighteenth Section also anticipated (by more than forty years) the provisions in the High School Act of 1874 (Section ninety-eight), for the expansion of High Schools into Collegiate Institutes. The following is the Draft of the School Bill of 1832:

MOST GRACIOUS SOVEREIGN:

Whereas Your Majesty has been graciously pleased to place at the disposition of the Provincial Legislature the School Lands granted by Your Royal Predecessor, King George the Third, in the year 1797, for the promotion of Education within this Province, and now remaining unalienated; and

Whereas, the existing laws for the support and establishment of District and Grammar Schools are found insufficient;

Be it therefore enacted, etcetera, That an Act passed in the 47th year of the reign of His late Majesty, King George the Third, Chapter 16, (1807) intituled: "An Act to establish Public (Grammar) Schools in each and every District of this Province," and also an Act passed in the 48th year of His said late Majesty's Reign, Chapter 16 (1808) intituled "An Act to amend an Act passed in the 47th year of His Majesty's Reign, Chapter 16, (1807) intituled: "An Act to establish Public (Grammar) Schools in each and every District of this Province," and also a certain other Act of the Parliament of this Province, passed in the 59th year of the reign of His said late Majesty (1819) Chapter 4, intituled: "An Act to Repeal part of and to Amend the Laws now in force for establishing Public (Grammar) Schools in the several Districts of this Province, and to extend the provisions of the same," shall be, and the same are hereby repealed.

2. *And be it enacted, etcetera*, That there shall be established in this Province a General Board of Commissioners of Education, to consist of twelve Members, together with the Trustees of the District and Grammar Schools for the several Districts, to be appointed as hereinafter mentioned, and that the Speaker of the Legislative Council and of the House of Assembly, for the time being, shall be *ex-officio* Members thereof.*

3. *And be it enacted, etcetera*, That the said General Board of Education shall have the superintendence and management of all the School Lands now remaining unalienated in this Province, and shall have full power and authority to sell, lease, or otherwise dispose of them, as in their judgment may seem meet; Provided always, that no part, or portion, of the School Lands shall, at any time, be sold for a less sum than fifteen shillings per acre.

4. *And be it enacted, etcetera*, That the money arising from such sales or leases of the School Lands shall be vested in approved securities, and the interest thereof only expended; and it shall be the duty of the General Board of Education, and they are hereby required, annually, to divide the same equally between the several Districts that now are, or may be hereafter, formed in this Province, in proportion to the population of the said Districts respectively.

* This General Board of Education was intended to take the place of the one established in 1823, and of which up to the time of its abolition in 1832, the Reverend Doctor Strachan was President. By the Reverend Dr. Ryerson's first School Act of 1846 (Section Three), a Provincial "Board of Education" of seven Members was established. By the general School Act of 1850 (Section Thirty-six), a "Council of Public Instruciton" of nine Members took the place of this Board. In 1874, this Council was increased to eighteen Members—nine of whom were elective. In 1876 it was done away with, on the retirement of the Reverend Doctor Ryerson in that year. By the Act of 1876 (39 Victoria, Chapter Sixteen), the Executive Council practically took the place of the Council of Public Instruction.

5. *And be it enacted, etcetera*, That it shall and may be lawful for the Governor, or person administering the Government of this Province, for the time being, to nominate and appoint ten fit and discreet persons to constitute Members of the said General Board of Education, making the number of twelve as aforesaid, including the Speakers of the Legislative Council and of the House of Assembly.

6. *And be it enacted, etcetera*, That it shall and may be lawful for the Magistrates, in General Quarter Sessions of the Peace assembled, in each and every District of this Province, at the first meeting after the next Autumn Assizes, to select from a list of twenty-five persons, presented by the Grand Jury, then and there summoned at the said Assizes (which list the Grand Jury is hereby required to furnish) five fit and discreet persons to act as Trustees for the several District (Grammar) Schools; Provided always, that in case of a vacancy by death, or otherwise, the vacancies shall be filled up by the Magistrates, from a list given in by the Grand Jury, in the manner and form aforesaid.

7. *And be it enacted, etcetera*, That the General Board of Education, consisting of twelve members, as aforesaid, and the Trustees of the several District (Grammar) Schools, and their successors, shall be one distinct and separate body corporate and politic, in deed and in name, by the name and style of the "General Board of Education for the Province of Upper Canada," and that by the same they shall have perpetual succession and a Common Seal, and they and their successors shall, from time to time, have full power to alter, revise or change such Common Seal, at their will and pleasure, as shall be found convenient, and that by the same name, the said "General Board of Education for Upper Canada," and their successors, shall be able and capable to have, take, receive, purchase, hold, possess, enjoy and maintain, to and for the uses of the District and Grammar Schools of the said Province, any messuage, lands, tenements and hereditaments, of whatever kind, nature or quality soever, situate and being within the said Province of Upper Canada, so as the same do not exceed the yearly value of twenty-five thousand pounds (£25,000) currency, above all charges; and, moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all or any goods, chattels, charitable or other contributions, gifts or benefactions whatsoever.

8. (Section omitted for some unexplained reason.)

9. *And be it enacted, etcetera*, That the said General Board of Education shall have power and authority to make such rules and regulations for the good government and management of the District and Grammar Schools throughout the Province, and touching all the trusts reposed in them, as shall to them seem meet, and also, from time to time, by any new rules and regulations, to make, renew, augment, or alter, all, or every, of the said rules and regulations, as to them shall seem meet and expedient; Provided always that the said rules and regulations or any of them, shall not be repugnant to the laws of the Province of Upper Canada, or to the provisions of this Act.

10. *And be it enacted, etcetera*, That the Officers of the said Corporation shall be a President, Treasurer and Secretary; the same to be chosen by the General Board of Education at their first meeting after the passing of this Act.

11. *And be it enacted, etcetera*, That the President, or in his absence, the senior Member present, shall preside at the meetings of the Board, and shall have a casting vote, in case of a division.

12. *And be it enacted, etcetera*, That the said General Board, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful, touching the duties of the Treasurer and Secretary, regarding the faithful performance of their respective offices, and all such other matters as appertain to the property under their charge, and for the due administration thereof, with such salaries and allowances as to them shall seem meet.

13. *And be it enacted, etcetera*, That there shall be four ordinary meetings of the General Board of Education throughout the year, in the Legislative Council Chambers, on the first Wednesday of January, April, June and October, with power to adjourn from

day to day, and that five members, with the President, shall constitute a quorum for the transaction of business; Provided always, that there shall be an extraordinary meeting on the first Monday after the meeting of the Legislature in each and every year; Provided, also, that the President may call a meeting of the Board at any such time as he may see fit, giving three days' notice of the same; and as often as five Members shall request the President, in writing, to call a meeting of the General Board of Education, he is authorized and enjoined to call the same.

14. *And be it enacted, etcetera,* That, until an annual income of the General Board of Education (from the interest of money arising from the sale of School Lands under their management) shall amount to five thousand pounds (£5,000) the deficiency shall be paid out of the Provincial revenue, in virtue of a warrant in favour of the Treasurer of said Board for the time being, issued by the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being, on the Receiver-General of the Province; such warrant to issue half-yearly on a requisition made by the President of the Board, countersigned by the Treasurer and Secretary, stating the deficiency of income.

SCHOOL HOUSE AND RESIDENCE FOR TEACHER TO BE ERECTED.

15. *And be it enacted, etcetera,* That it shall and may be lawful for the Magistrates of each and every District in this Province to direct that a commodious School House, and Residence for a Teacher, be built in each Town where the Quarter Sessions are held, and the expense of the same shall be defrayed out of the funds of the said District; the said School House and Residence to be erected on a uniform plan furnished to the Magistrates by the General Board of Education.

16. *And be it enacted, etcetera,* That, until such School House and Residence be erected as aforesaid, no District shall be entitled to any assistance from the moneys at the disposal of the General Board of Education beyond one hundred pounds currency (£100) per annum.

PROVISION TO MEET THE CASE OF THE GRANTHAM AND BATH ACADEMIES.

17. *And be it enacted, etcetera,* That it shall and may be lawful for the General Board of Education, constituted as aforesaid, on satisfactory evidence being given that an Academy has been built, and in full operation, in which the Classics and a general system of English Education are taught, and that the proprietors thereof are willing to place the same under the direction of the said General Board, to allow the said Institution such assistance from the funds at their disposal as shall not exceed two-thirds of the allowance given to the District Grammar School of the District within which such Academy is erected, and provided always, that such Academy be not built in the Town or place where the District (Grammar) School is kept.

ENACTMENT, ANTICIPATING THE MODERN COLLEGIATE INSTITUTES.

18. *And be it enacted, etcetera,* That it shall and may be lawful for the said General Board, from time to time, as the funds at their disposal allow, to increase the means of instruction of the District (Grammar) Schools until each such School possesses two Classical Masters, one Mathematical Master, and a Teacher of Writing and Arithmetic and the ordinary branches of an English Education; and this shall be considered the maximum in the establishment of District (Grammar) Schools, beyond which it shall not be lawful for the Board as aforesaid to proceed; Provided, nevertheless, that this shall not be so construed as to restrain the said Board from allowing premiums to the best scholars in the different Districts, at their discretion, provided the amount of such premiums do not exceed in any one year one-twentieth part of the annual income at the disposal of the said Board.

19. *And be it enacted, etcetera,* That it shall and may be lawful for the General Board of Education to require and demand of each School, under their control and

superintendence, annual returns, such returns to be signed by the Head Master of said School and by the Trustees, the form of said return to be prescribed by the General Board of Education.

20. *And be it enacted, etcetera*, That it shall and may be lawful for the General Board of Education, as aforesaid, to withhold all aid from such Schools, in salaries to their Teachers, or otherwise, as shall not make regular returns to the Board as aforesaid.

21. *And be it enacted, etcetera*, That the Trustees appointed under and by virtue of this Act, in each and every District of this Province, or the majority of them, shall have full power and authority to nominate fit and discreet persons as Teachers thereof, and to examine into the moral character, learning and capacity of such persons so nominated, and being satisfied, it shall and may be lawful for the said Trustees, or the majority of them, to report such their nomination, or nominations, to the Governor, Lieutenant-Governor, or person administering to Government of this Province, either to approve or disapprove of the same; Provided always, that the said Trustees, or the majority of them, shall have full power and authority, in their discretion, to remove any Teacher, or Teachers, from the Public (Grammar) School, for any misdemeanour or impropriety of conduct, subject to the approval of the General Board of Education; and it shall and may be lawful for the said Trustees, or the majority of them, in case of the demise, dismissal, or removal of any Teacher, or Teachers, of the said Public (Grammar) School, to nominate and appoint other discreet persons to fill the vacancies in manner and form aforesaid, subject to the like approval, as aforesaid.

22. *And be it enacted, etcetera*, That the Trustees appointed under and by virtue of this Act, in each and every District, or the majority of them, shall have full power and authority to make such rules and regulations for the good government and management of the said Public (Grammar) Schools, with respect to the Teacher, or Trustees, for the time being, and to the Scholars, as in their discretion shall seem meet; Provided always that the same be not repugnant to any rules and regulations established by the General Board of Education, or to the laws of this Province.

23. *And be it enacted, etcetera*, That it shall and may be lawful for the said Board of Education, as often as the same shall appear expedient, either by their President, or one of their Members, to visit, inspect and examine any, or all, of the District and Grammar Schools under their superintendence, to enquire into their condition, system of Education and discipline, and to report the same for the information of the Board.

24. *And be it enacted, etcetera*, That it shall and may be lawful for the General Board of Education, and it is hereby required, to make a Report of the Schools annually to the Governor, Lieutenant-Governor, or person administering the Government of this Province, to be by him laid before the Legislature, embracing such information concerning the state of the District and Grammar Schools as may have come to their knowledge and may be deemed useful, together with a correct account of all disbursements whatsoever, and the amount received by each School.

25. *And be it enacted, etcetera*, That a regular account of all money received and paid by direction of the General Board shall be laid before the Inspector-General every half-year, and audited in the same manner as the public accounts of other Departments, so that the same may come in regular course before the Legislature at each Session.

26. *And be it enacted, etcetera*, That this Act be, and is hereby declared to be, a public Act, and that the same shall be construed as such in all His Majesty's Courts of Law in this Province.

Mr. Secretary Rowan brought down from His Excellency the Lieutenant-Governor several Messages and Documents, and, having retired, the one relating to School Lands and Education was read by the Speaker, as follows:

The Lieutenant-Governor, with reference to the Address of the House of Assembly of the 15th November, transmits the accompanying communications from the Secretary of the Board of Education, and Returns from the Surveyor General, showing the number of Acres of the Crown Lands which were set apart originally by the Executive Government for the establishment and support of Grammar Schools and Colleges, in conformity to instructions received from His Majesty's Secretary of State for the Colonies.

GOVERNMENT HOUSE, YORK, 17th December, 1832. J. COLBORNE.

Mr. Mahlon Burwell, seconded by Mr. John Willson, moves that the Message of His Excellency the Lieutenant-Governor of this day, respecting School Lands, with accompanying documents, be referred to the Select Committee on Education, which was ordered.

NOTE.—The following tabular Returns of Reserved School Lands sent down to the House of Assembly by Sir John Colborne show the quantities reserved in the different Townships, and how they were disposed of, videlicet: 42,000 acres to Upper Canada College; 249,944 acres, reinvested in the Crown in lieu of grants to the University and Upper Canada College, and the rest granted to individuals.

THE RETURN OF SCHOOL LANDS SENT TO THE HOUSE OF ASSEMBLY BY HIS EXCELLENCY THE LIEUTENANT-GOVERNOR, ON THE 17TH OF DECEMBER, 1832. IT SHOWED THE ORIGINAL RESERVATIONS, THE NUMBER OF ACRES ALIENATED, THE LANDS APPROPRIATED IN LIEU THEREOF, THE PERCENTAGE GRANTED TO CONTRACTORS FOR SURVEYING, THE NUMBER OF ACRES SET APART FOR THE UPPER CANADA COLLEGE, AND THE QUANTITY OF LAND WHICH STILL REMAINED DISPOSABLE.

Names of Districts in which were reservations.	Names of Townships in which were reservations.	Number of acres originally reserved.	Number of acres alienated.	Contractors' percentage.	Number of acres disposable.
Ottawa	Alfred	25,140	25,140	None.	None.
	Plantagenet	40,000	40,000	None.	None.
Midland	Bedford	61,220	5,538	2,858	55,684
	Hinchinbroke	51,100	51,100	2,437	None.
	Sheffield	56,688	3,158	3,158	53,530
Newcastle	Seymore	47,484	47,484	3,515	None.
London	Blandford	20,400	6,179	1,179	14,221
	Houghton	19,000	3,102	1,505	15,893
	Middleton	35,000	24,267	1,667	10,733
	Southwold	40,500	31,619	719	8,881
	Westminster	51,143	41,943	1,218	9,200
	Yarmouth	20,000	8,110	1,026	11,900
	Java	12,000	12,000	.....	None.
Home	Luther	66,000	66,000	.....	None.
	Sunnidal	38,000	38,000	.....	None.
	Osprey	50,000	50,000	.....	None.
	Merlin	40,000	28,312	.....	11,688
	Proton	66,000	.....	.....	66,000
London	Warwick	600	.....	.....	600
Total quantity	disposable	.....	.....	.....	258,330

NOTE.—The following Letter (to the Lieutenant-Governor's Secretary) from the Honourable George H. Markland, Secretary to the General Board of Education, accompanied this Return.

From the accompanying Documents which have been prepared for the information of His Excellency the Lieutenant-Governor, it will appear that the original reservation of land for the purposes of education amounted to 467,675 Acres, of which 170,719 Acres were alienated by grants to individuals, and in lieu thereof 272,600 Acres were appropriated to a similar purpose, giving a surplus over and above the quantity deficient of 101,881 Acres.

There were also alienated as a percentage to Surveyors, 19,282 Acres.

Since the reservation before alluded to, 225,944 Acres of it have been reinvested in the Crown in lieu of scattered Reserves granted as an endowment to the University of King's College, and 60,000 Acres have been set apart for the benefit of Upper Canada College, after which deductions there remains at the disposal of such person or persons as may be appointed for the sale thereof, 258,330 Acres.

YORK, 14th December, 1832. GEORGE H. MARKLAND.

1. MEMORANDUM ON THE DISPOSITION OF THE ORIGINAL ROYAL GRANT OF LANDS IN 1797.

	Acres.	Acres.
The original School Townships of Alfred, Plantagenet, Bedford, Hinchinbroke, Sheffield, Seymour, Blandford, Houghton, Middleton, Southwold, Westminster and Yarmouth, were computed at 549,217 Acres, but actually contained only		467,675
Alienated from the above for Surveyor's percentage	19,282	
Alienated by Grants to individuals	170,719	
The Townships of Java, Luther, Sunnidale, Osprey, Merlin and Proton, made School Townships in lieu of the above alienations, contain		272,000
Also reserved in the Township of Warwick		600
		740,275
Reinvested in the Crown in lieu of lands granted to the University.	225,944	
Reinvested in the Crown in lieu of lands granted to the Upper Canada College	66,000	
		481,945
School lands disposable in Acres		258,330

2. MEMORANDUM GIVING DETAILS OF LANDS GRANTED TO THE UPPER CANADA COLLEGE—66,000 ACRES.

25,000 Acres in the Township of Seymour.
18,969 Acres in Scattered lots, for which a like quantity is reinvested in the Crown in the Township of Seymour.
5,000 Acres in the Township of Blandford.
12,000 Acres in Township of Java.
5,031 Acres in scattered lots, for which a like quantity is reinvested in the Crown in the Township of Merlin.

66,000 Acres.

3. MEMORANDUM OF LANDS GRANTED TO THE KING'S COLLEGE UNIVERSITY.

Under Patent Deed.....225,944 Acres.

4. MEMORANDUM OF LAND ALIENATED TO VARIOUS INDIVIDUALS.

	25,140	Acres in the Township of Alfred.
	40,000	Acres in the Township of Plantagenet.
	2,680	Acres in the Township of Bedford.
Alienated in these five Townships, 102,906 Acres.....	1,597	Acres in the Township of Houghton.
	22,600	Acres in the Township of Middleton.
	30,900	Acres in the Township of Southwold.
	40,725	Acres in the Township of Westminster.
	7,084	Acres in the Township of Yarmouth.
Total	170,719	Acres.

5. SUMMARY MEMORANDUM.

Alfred and Plantagenet were thrown open for general location under Governor Gore, containing about 65,000 Acres, which amount is included in the 170,719 alluded to, leaving 105,719, which have been taken from the original School Townships.

University	225,944 Acres
Upper Canada College	66,000 Acres
	291,944 Acres

Original grant	549,217 Acres.
Deduct for University and Upper Canada College	291,944 Acres
Difference	257,273 Acres

In the third Report of the Select Committee of the House of Assembly the Committee censure the Executive Government and the King's College Council for devoting so much of the proceeds of the original Royal Grant to the establishment and maintenance of the "Minor College," as they call the Upper Canada College, and which the Committee consider as not at all "necessary and certainly" as "never contemplated by His Majesty, when granting a Charter and endowment to the University of King's College."

The Report points out how exceedingly parsimonious the Legislature has been in dealing with the Grammar and Common Schools. It illustrates this parsimony by showing that "in some Districts not more than four or five pounds can be justly given to any one Teacher"; and that "less is granted by the Provincial Legislature for educating the youth of three hundred thousand people than is required to defray the contingent expenses of one Session of Parliament," or "one shilling per annum for each scholar."

The Committee appeals to the House not any longer to "suffer a pittance so miserably small, so unjust and unequal in its distribution, and of so little benefit, any longer to exist." The inequality in the distribution of the small appropriation is shown by reference to the fact that the Midland District, with its population of forty thousand, only gets the same grant (£250) as the Ottawa District, with a population of only five thousand.

The Committee strongly endorse the proposal made by Mr. Mahlon Burwell and Doctor Charles Duncombe (Members of the House of Assembly), in December, 1831, and January, 1832, that an appeal should be made to His Majesty for a grant of one million acres of Crown Lands as an endowment of the Common Schools in the future.

In these three elaborate Reports, the Committee on Education have embodied the result of many discussions on School matters, and the suggestions which had been made from time to time by Members of the Legislature during its Sessions, and in Memorials addressed to it by various parties.

January 18th, 1833.—Mr. Mahlon Burwell, from the Select Committee to which was referred the subject of Education, informed the House that the Committee had agreed to a Third Report, which he was ready to submit, whenever the House would be pleased to receive the same. The Report was received and read as follows:

To the Honourable the Commons House of Assembly:

1. In submitting this, their Third Report on Education, your Committee find that it only remains for them to invite the attention of your Honourable House to the resources, or financial means, within the reach of the Legislature for the support of Public Instruction, in order to consolidate and complete their labours.

2. Before entering upon this subject, your Committee beg leave most respectfully to premise that the measures now before your Honourable House deserve, in their opinion, the most liberal support.

3. These measures are founded on the true principles, on which the education of the population of any country ought to rest,—part endowment, and part contributed by the people,—principles which the most enlightened men of the present age have advocated and adopted.

4. Your Committee feel persuaded, that should these measures become the law of this land, with such modifications as your Honourable House, on further consideration, may deem necessary, they will form one of the most simple, complete and efficient systems of public instruction which has ever been put in operation.

5. *Firstly.*—At first, your Committee directed their attention to the amount for the education of our numerous population, charged at present on the Provincial Revenue, and they find, from the Laws and the Public Accounts, that the sum of one thousand one hundred pounds (£1,100) is paid as salaries to the School Masters of eleven District (Grammar) Schools, and two thousand nine hundred pounds (£2,900) for Common Schools, in all four thousand pounds (£4,000)—a sum not equal to the contingent expenses of the Legislature for a single Session; or the expense of four ordinary Grammar Schools for one year.

6. Your Committee feel it to be their duty, most earnestly and anxiously, to draw the attention of your Honourable House to the astounding fact, that less is granted by the Provincial Legislature for educating the youth of three hundred thousand (300,000) people, than is required to defray the contingent expenses of one Session of Parliament.

7. To place this in a point of view more striking, it may be observed, that one-third of the population of any country are subjects of School Education; but allowing only one-fourth, we have an allowance from the Provincial Treasury of four thousand pounds (£4,000) for educating seventy-five thousand (75,000) children, a little more than one shilling per annum for the instruction of each Scholar!—a provision so pitiful,—so miserable, for this most important of all objects, cannot fail, when thus presented, of exciting

astonishment; and when contrasted with the vast sums expended by other countries in support of public instruction, reflects no credit on this Province.

8. This parsimony, on the score of Education, appears the more extraordinary when compared with the liberal measures which have, from time to time, been adopted for the improvement of the country; and for which an annual charge, in the shape of interest for debt, is provided for to the amount of more than eight thousand pounds (£8,000)—and this charge, considerable as it is, will, in all probability, be much increased during the present Session.

9. Your Committee, in making these remarks, beg leave to state that they are far from estimating lightly any improvement of the Province respecting Roads, Railways, Harbours and Canals, but they must be allowed to affirm without hesitation, or the possibility of rational contradiction, that the first duty of all good Government is, and ought to be, the proper instruction of the people; and that no expense, which the public revenue can possibly bear, is too much for the accomplishment of this, the most precious of all objects.

10. How, indeed, can useful improvements be promoted—the resources of the Province developed—its wealth increased—or its character elevated, if we continue to keep back the blessings of knowledge, and neglect to foster sound learning and scientific attainment?

11. *Secondly.*—From this wretched appropriation, so inadequate to the object proposed,—and so little in accordance with the liberal spirit of the passing age,—your Committee proceeded to examine into the matter of the Lands set apart since 1797, for the support of a University and Free Grammar Schools, and find, that, owing to causes over which the Government had no control, they have remained to the present time, in a great measure, unproductive.

12. The progress of the Colony was for many years so slow, and the value of the Lands continued so trifling, that the Legislature deemed it absolutely necessary to establish a Grammar School in each District, and providing for the Master of each annual salary of one hundred pounds (£100) currency.

13. To this present time the Lands have afforded no aid to the District (Grammar) Schools, though a small sum, raised by the sale of a portion of these Lands, as will be afterwards noticed, may be now applied to their benefit.

14. Your Committee are willing to hope that the School Lands had been providentially retained until the growing prosperity of the Province, and its rapidly increasing population, had caused such a rise in their value, as would make it easy to place the District (Grammar) Schools almost immediately, on a very efficient footing, without having recourse to the Provincial Revenue; but in this your Committee experienced great disappointment, for of the three hundred and twenty-four thousand (324,000) Acres which the Legislature may justly assume as the quantity at their disposal, for the support of Grammar Schools, a small portion only appears good; for, as the Report of the Executive Council justly states, the original reservation was an injudicious selection,—the lands being in general indifferent, and much totally unfit for cultivation.

15. Here it may be proper to remark, that your Committee do not recognize any deduction for deficiencies, in the actual admeasurement of the Townships originally appropriated, or the alleged percentage for survey, or for the endowment of Upper Canada College, since they are persuaded that a respectful representation to His Majesty, (if it cannot be at once done by the Provincial Government,) will restore the gift to what was at first intended, without any diminution whatever.

16. In order, however, to set this matter at rest, it is respectfully recommended that an humble Address be presented to His Majesty, praying that he would be graciously pleased to direct the appropriation of Lands to be made up to its original amount, with no other deduction than that for the University, and that all bad Lots be exchanged, either for Crown Reserves, not already sold, or for such other Crown Lands as are good and available.

17. In accordance with this view, your Committee submit the Draft of what they conceive to be a suitable Address.

18. To the prayer of this Address your Committee anticipate no objection, for a similar exchange has already been acceded to by His late Majesty, in respect to the University of King's College, authorizing that Crown Reserves, not already appropriated, should be given in exchange for an equal quality of School Lands—these Reserves were found immediately marketable, and, as appears from documents on the Journals of your Honourable House, a considerable portion has been sold for the benefit of King's College, at an average price which exceeds one pound currency per acre.

19. Your Committee do not conceive that an exchange so favourable can be now made—but they hope nearly so, or, at all events, sufficient to produce an increasing income, so as gradually to relieve the Provincial Revenue from any charge that the Legislature may think proper to impose, in order to render the District (Grammar) Schools more efficient and more adequate to the growing wants of the Province.

20. It appears from the answer of Colonel Joseph Wells, Bursar of King's College, the Treasurer of the Minor, or Upper Canada, College, that some portions of School Lands have been sold, and the proceeds given in loan to that Institution.

21. The particular sum is not stated, but it is undoubtedly at the disposal of the Legislature.

22. In regard to its appropriations, your Committee most respectfully recommend that, on ascertaining its exact amount, which perhaps may be about ten thousand pounds (£10,000), it be invested in good securities, and the income annually divided among the District (Grammar) Schools, agreeable to such provisions as to your Honourable House may seem meet.

23. It further appears, from evidence and documents on the Journals of your Honourable House, that Minor College is greatly indebted to the University of King's College.

24. This fact obtruding itself on the notice of your Committee, they consider it their duty to bring it under the notice of your Honourable House.

25. No steps have been taken to prepare the University of King's College for receiving pupils for instruction in the Arts and Sciences, which might certainly have been done, as they involve no questions of religious difficulty.

26. Nor has any progress been made in erecting the necessary Buildings, that the business of instruction might begin so soon as the Charter is amended, and yet the growing funds have been spent in supporting a Minor Institution, which, however useful it may, in time, become, does not appear to your Committee to have been necessary, and, certainly, was never contemplated by His Majesty when granting a Charter and Endowment to the University.

27. How far the College Council is legally authorized to expend their funds for any other purpose than for promoting the object for which the Charter and Endowment were granted by the King, your Committee presume not to determine; but, with every respect for the Members of that Council, they feel no hesitation in expressing their decided disapprobation of such a mode of proceeding.

28. Nor do they believe it to be regular, or justified by precedent, but on this point they refer to His Majesty's Attorney-General, (the Honourable Henry John Boulton,) who is not only a Member of the College Council, but also of your Honourable House.

29. It is, indeed, stated in the Treasurer's Evidence that such disbursements are secured on the endowment of Minor College, but is such security sufficient? And can the money, so invested, be repaid the moment it may be wanted? Repayment seems, in truth, hopeless; for the endowment of Minor College appears to yield as yet no revenue whatever; hence, the recommendation of your Committee in their Second Report to annex Minor College, without delay, to the University of King's College as an integral part of

the same is no longer a matter of choice, but of necessity; for it cannot otherwise exist; but when it becomes a part of the University of King's College, its financial concerns will come under the cognizance of the College Council, and its future support will be placed on such a scale, and on such a permanent foundation, as they may find just and expedient.

30. In concluding this part of their Report, your Committee most respectfully recommend that the sum of three thousand three hundred pounds (£3,300) be appropriated annually for the support of Grammar Schools, to be lessened, as the fund arising from the sale of School Lands shall increase.

31. This sum, with eleven hundred pounds (£1,100) already appropriated by law, and six hundred pounds (£600), the presumed increase from the capital produced by Lands sold, make up an aggregate of five thousand pounds (£5,000), the sum suggested as necessary by your Committee in their Second Report.

32. *Thirdly.*—When the law for the establishment of Common Schools was passed in 1816, it embraced an annual grant of six thousand pounds (£6,000) for their support, a grant which, considering the scanty population of the Province, and the smallness of the revenue, was extremely liberal, and, in the opinion of your Committee, highly honourable to the Legislature of that period.

33. Regard was also had in its distribution to the population of the several Districts, by which means a greater degree of equality was preserved in the supply of their wants, and the District Boards of Education were enabled to assign to each of the Masters of the Common Schools employed, such a salary as made it worth the while of competent Teachers to apply for Schools. The maximum salary being so high as £25.

34. Unfortunately, this Act was limited to four years' continuance, and, when renewed in 1820, several amendments were introduced, which detracted very much from its value.

35. Among others, that of reducing the appropriation from six thousand pounds (£6,000) to two thousand five hundred pounds (£2,500); and, what is still more to be deplored, no attention was paid to population and extent of Districts, but two hundred and fifty pounds (£250) was given to each District.

36. Since 1820, the District of Bathurst has been added; consequently the annual appropriation for Common Schools amounts to two thousand seven hundred and fifty pounds (£2,750), and one hundred and fifty pounds (£150) for books,—in all two thousand nine hundred pounds (£2,900), as given in paragraph five of this Report.

37. These District Common Schools have deteriorated since the reduction of the annual appropriation for their support.

38. In some of the Districts, not more than four, or five, pounds can be justly given to any one Teacher, and, should there be no remedy next year, the grant will admit of only two or three pounds each, which would be something like a mockery.

39. Under the present law, the District of Ottawa, with its five thousand (5,000) inhabitants, receives as much for the support of its Common Schools as the Midland District with its forty thousand (40,000) inhabitants.

40. It appears to your Committee quite impossible, that your Honourable House, now that the matter is brought fully under your consideration, will suffer a pittance so miserably small, and so unjust, and unequal in its distribution, and of so little benefit, any longer to exist, and that your Honourable House will feel it an imperative duty to legislate on the subject of Common Schools during the present Session.

41. As the Provincial revenue has greatly increased since 1820, and the population nearly trebled, a much larger appropriation can well be afforded, and, from the facts stated, it is absolutely necessary; and should it bear any proportion to the sums advanced, in addition to other resources which may be derived from District Assessments and

School Dues, the increased appropriation will raise the standard of Common Schools and render them as efficient as may be required.

42. One obvious source of endowment noticed in the Common School Bill, and which was proposed by one of your Committee last year, but not followed up, owing to his sickness, ought not to be lost sight of, namely, a distinct grant of Land for the benefit of Common Schools.

43. In all the neighbouring States of the Union, Lands have been appropriated for this purpose, besides a money fund of nearly two millions of dollars ($2,000,000), and large annual appropriations; the State of New York has still about eight hundred and ninety thousand (890,000) Acres of land, remaining of a larger quantity, from which they increase, by judicious sales, the Common School fund.

44. On this subject, your Committee most respectfully recommend, that an humble Address be presented to His Majesty, praying that His Majesty will be graciously pleased to grant one million of acres (1,000,000) of the waste Lands of the Crown, for the maintenance and support of Common Schools; and the Committee beg leave to submit the Draft of an Address to that effect.

45. In the meantime, your Committee recommend that the present annual grant be increased to twelve thousand five hundred pounds (£12,500), to be diminished as the revenue from the interest arising from the sales of any Lands granted to their application increases; or, should other demands on the public treasury render it necessary and expedient.

THE GREAT ADVANTAGES RESULTING FROM THE EDUCATION OF THE PEOPLE OF THIS PROVINCE.

46. Before closing their Report, your Committee deem it important to state, that the sum which they recommend to be supplied from the Provincial revenue in support of the system of Education, which they have prepared, can only seem large when compared to the present trifling appropriation, and must be allowed to be very small when contrasted with the liberal provision made for Education by the most enlightened States of Europe and America; and such provision is not like other investments, of slow and uncertain return, or of temporary advantages, but it returns ten thousand fold, for it produces an intelligent and moral population.

47. Trained from their infancy in the habits and discipline of good Schools, such a population acquires a turn for observation, and a desire for mental improvement. Their views also extend beyond the circle of objects and conceptions of those who are imperfectly instructed, a population of this kind receives new accessions of knowledge, the minds of the individuals in it expand, and they become capable of appreciating, supporting and enjoying the privileges of rational liberty.

48. The inhabitants of the Province are looking with anxiety for the result of the labours of your Honourable House during this Session in favour of Education.

49. They know that, in other Countries, the greatest exertions are now being made for the instruction of the people, and that among tradesmen and mechanics habits for the study of Science are growing up, which are truly praiseworthy and delightful.

50. They cannot believe that Upper Canada will be suffered any longer to remain a solitary and deplorable exception to the general improvement.

51. In a country like this, blessed with free institutions, a fertile soil, and salubrious climate, and where the labour of the husbandman is rewarded by an abundant return, no exertion, expense, or labour, should be spared in forming an enlightened population; for nothing can so effectually produce their permanent good and raise them so certainly to wealth and comfort, and no other legislative measure can add so much to the honour and glory of the Province. All of which is most respectfully submitted.

COMMITTEE ROOMS, COMMONS HOUSE OF ASSEMBLY,
15th January, 1833.

MAHLON BURWELL,
Chairman of the Committee.

Appended to this Report were the following Addresses to the King:

Address from the Commons House of Assembly of Upper Canada to the King, praying the Deficiency in the original Royal Grant for Free Grammar Schools and a Provincial University, caused by giving so large a portion of the Grant to King's College and to Upper Canada College, be made up.

Most Gracious Sovereign:

We, your Majesty's most dutiful and loyal subjects the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, beg leave to approach your Majesty with our most humble but confident assurance, in view of your gracious consideration in granting our prayer made during the last Session, that the School Lands should be placed at the disposal of the Legislature, to be applied exclusively to the purposes intended by your Majesty's Royal Father.

That on examining into the present state of these Lands we find that instead of 324,000 Acres, the quantity that ought to have remained, after deducting the endowment of the University of King's College from the original reservation, only 258,330 Acres are to be found, leaving a deficiency of sixty-six thousand Acres.

We beg leave further to represent, that the selection of the Lands proves to have been injudicious; the greater part being badly situated, much of it indifferent as to quality, and much totally unfit for cultivation, so that very little can be expected from them towards the support of Grammar Schools.

Under these circumstances, we most humbly implore that your Majesty will be most graciously pleased to direct, that the appropriation of School Lands be restored to its original quantity, admitting no deduction whatever, but that of the endowment of the University of King's College, and that such portions as are found bad or indifferent, or unfavourably situated, be exchanged for Crown Reserves, not already disposed of, or for such other Crown Lands as are available.

Address to the King praying that a Special Grant of One Million Acres of Crown Lands be made for the Establishment and Support of Township Common Schools.

Most Gracious Sovereign:

We, your Majesty's most dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, beg leave to approach your Majesty in the humble but confident assurance that the paternal affection which your Majesty has exhibited towards this flourishing colony will induce your Majesty to receive, in a favourable manner, this our earnest supplication respecting a matter upon which, above all others, its prosperity and happiness chiefly depend.

We beg leave, most humbly, to represent to your Majesty that at a very early period the attention of the Provincial Legislature was most earnestly turned to the devising of measures for effectually promoting the education of the people, and in pursuance of this object, they prayed your Majesty's Royal Father, of illustrious memory, for a grant of land to enable them more easily to establish a general plan of public instruction; their prayer was most graciously answered, and an appropriation was made, in order to produce a fund for the establishment and support of a respectable Grammar School in each District of the Province; and also, of a College, or University, for the instruction of youth in the different branches of liberal knowledge, an appropriation which daily reminds us of the paternal Government of Your Majesty's illustrious House.

We beg leave further to represent to Your Majesty that this appropriation having been specially directed towards the establishment of a University and Grammar Schools,

to which, without Legislative aid, it is not at present sufficient, no part can be directed towards the support of Common Schools.

That, deeply sensible of the benefit of dispensing knowledge among the people, the Legislature for the last sixteen years has appropriated large portions of the revenue of the Province towards this laudable purpose, but being an inland country the revenue is, and must ever continue to be, comparatively small, and the rapid increase of the population, and the hardships incidental to first settlements, make all that can be spared totally inadequate to the object intended.

We are, therefore, emboldened to submit to Your Majesty's favourable consideration the propriety of granting an additional appropriation of one million of acres of the waste Lands of the Crown in this Province.

We beg leave further to represent to Your Majesty that such an appropriation judiciously managed might in time produce a very considerable income in aid of such grants as may be made from the Provincial revenue, and such special assessments as may be imposed upon the people for the education of their children, and thus relieve them from a portion of the burthen which now bears very hard upon their limited means.

We beg leave further to represent to Your Majesty that far greater appropriations, in proportion to the extent and population of the countries, for the purposes of Education than that now prayed for, have been almost universally made in the neighbouring States of America, and add much to the intelligence and consequently to the wealth and happiness of their inhabitants.

We therefore venture to hope that Your Majesty will be graciously pleased to direct the Provincial Government to set apart one million of Acres as prayed for to form a fund for the support of Common Schools throughout this loyal, extensive and magnificent Province.

December 4th, 1833.—Agreeable to the Order of the Day, the Address to His Majesty on the subject of the Imperial Grant of School Lands in 1797 was considered. In an Address to the King, after expressing a hope that the erection of the proposed King's College would be delayed, the Address proceeded:

4. . . . We would humbly beseech Your Majesty to direct such measures as may lead to the restoration of the Lands [granted to King's College] reserved for the purposes of Education, in order that the same may be placed at the disposal of the Legislature.

5. Should it, from any cause, be found impracticable to grant this request, we implore Your Majesty to direct that an appropriation of lands of equal value be made, and that Commissioners be appointed to ascertain and assign the relative value, as well of the lands diverted from the primary object of the original appropriation, as of those which Your Majesty may be graciously pleased to grant in lieu of the same; that the remaining portion of the lands originally set apart, in 1797, being reported to be generally of a very inferior quality, we would further pray your Majesty, that the same may be exchanged for lands of a better description, and in more eligible situations.

6. A fund so extensive will enable the Legislature to give immediate encouragement to Education, and diffuse instruction to all parts of the Province, and, at the same time, to retain ample means to ensure the ultimate erection and successful establishment of the University of King's College.

I have already referred to the character of this appeal to the King. It points out very properly that the Imperial grant of 1797 had failed to realize the design of the Royal Donor, for, as yet, not a single Free Grammar School had been established in any one of the Districts of the Province—that the Imperial grant had in part been applied to the enlargement of the Royal Grammar School of

York into Upper Canada College, and for other School purposes, not contemplated when the original grant was made.

The Address to the King, as adopted, is as follows:

To the King's Most Excellent Majesty:

MOST GRACIOUS SOVEREIGN:

We, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to approach Your Majesty, to express our gratification at the information conveyed by Your Majesty's Principal Secretary of State for the Colonies, that Your Majesty, in answer to our Address of the 23rd December, 1831, (pages 40 and 72), has been graciously pleased to express your desire that the sums arising from the sales of that portion of the School Lands, which has not already been alienated, should be paid into the hands of the Receiver-General, to be applied to the promotion of Education, in such manner as the Legislature may direct.

2. We have to acquaint Your Majesty that it appears, by a statement sent down by His Excellency the Lieutenant-Governor, in December, 1832, (page 104), that

The whole reservation of School Lands amounted to	740,275	acres.
Of which it would seem there has been conveyed to individuals	170,719	"
To the University of King's College	225,944	"
To Upper Canada College	66,000	"
To Surveyors for surveying	19,282	"
Leaving for the support of Free Grammar Schools	258,330	"
Total	740,275	acres, as above.

3. It is, therefore, obvious that a very inconsiderable portion of the whole of the reservation has been left for purposes which, in the minds of those individuals who made the legislative application in the year 1797, to His late Majesty, (Your Majesty's predecessor), as well as in that of the Royal Donor, took precedence of every other object, and were entitled to a much more valuable endowment. Of the quantity of land thus remaining for the support of Education in the several Districts of the Province, 186,902 acres are in the Townships of Sheffield, Bedford, Merlin and Proton, and are reputed to be of exceedingly bad quality, compared with the lands which have been alienated; consequently, the means which may be derived from their sale will frustrate the object which His late Majesty's Government contemplated, in complying with the joint application of the Legislature in 1797, for a grant of land, to establish in the first instance, "Free Grammar Schools in the several Districts . . . and, in due process of time, other Seminaries of a larger and more comprehensive nature."

4. We would further observe to Your Majesty, that, upon an examination of the statement alluded to, it appears that, for the endowment of King's College, and for other purposes, exchanges of the School Lands have been made, which have had the effect of reducing the appropriation so much that the just expectations of the inhabitants of the Province can never be realized without the interposition of Your Majesty's Government, by restoring the lands set apart by Your Majesty's late Royal Father for the endowment and support "of free District Grammar Schools, and, in due process of time, for establishing other Seminaries of a larger and more comprehensive nature."

5. The establishment, at the capital of the Province, of a University endowed with the greater part of all the valuable School Lands reservation, may confer much benefit on the inhabitants of its immediate vicinity, and also on the wealthier part of the population, who are more remote, but it cannot, at present, answer the intentions

which actuated Your Majesty's Royal Father when the lands were appropriated, inasmuch as the people resident in distant parts of the country have no opportunity of giving to their sons a preparatory course of instruction, even if it were, in every respect, convenient to send them many hundred miles to attend the University.

6. For these reasons, as well as for many others which might be adduced, we are constrained to represent to Your Majesty the serious injustice of the measure which deprived the people of Upper Canada of that munificent grant of land which was set apart for the diffusion of Learning by the endowment of Free Grammar Schools in the several Districts; and we deem it necessary to inform Your Majesty, that the primary object for which these lands were reserved, has hitherto been neglected, and by far the most important and valuable portion of them alienated from the immediate establishment of an Institution, which, it is intended, not only by the joint application of the Legislature in the year 1797, but by the answer of His Majesty's Principal Secretary of State for the Colonies, (the Duke of Portland), in the same year, should be endowed after the Free Grammar Schools were provided for.

7. We are unwilling to trespass on the time of Your Majesty; but this subject is, in our estimation, so highly important to the best interests of Your Majesty's faithful subjects in this Province, that we feel bound by the most sacred obligations of duty, as Representatives of the people, to express to Your Majesty our opinion that the buildings erected in York, for Upper Canada College are, at present, sufficiently extensive and commodious to answer every purpose of a University, and ought, therefore, to be applied to that object, and thus prevent the vast expenditure which is contemplated in the construction of buildings for the University of King's College, and that Upper Canada College may, under existing circumstances, most properly be designated "The University of King's College," and be incorporated and endowed as such, by the Legislature of the Province, out of the general funds arising from the sale of School Lands.

8. We, therefore, humbly implore Your Majesty to direct such proceedings as to Your Majesty may seem consistent with justice to the people of Upper Canada for the restoration of the lands originally set apart for the purposes before mentioned, together with the proceeds of all such portions as may have been sold or leased by the Corporation of King's College, or the Executive Government, or; in the event of its impracticability, with respect to lands granted to individuals, to direct that an appropriation of equal value be made for that purpose; and also to convey to Your Majesty our earnest hope that Your Majesty may be pleased to appoint Commissioners to ascertain the value of any lands which may be granted, in lieu of those which have been alienated.

COMMONS HOUSE OF ASSEMBLY,
YORK, U. C., 4th December, 1833.

ARCHIBALD McLEAN,
Speaker.

BILLS FOR THE PROMOTION OF POPULAR EDUCATION BY THE LEGISLATURE IN 1831-1832.

Apart from the Proceedings of the Legislature of 1830, in regard to Upper Canada Academy and the projected Queen's College, nothing relating to Grammar or Common Schools took place. In opening the Legislature in 1831 Sir John Colborne, in his Speech from the Throne, said:

Your exertions and local experience, in considering the aid intended to be granted by His Majesty's Government, for the encouragement of District (Grammar) and Township (Common) Schools, and the advancement of the purposes of Education, will gradually prepare the Colony for the reception of the agricultural classes leaving the Parent State.

November 24th 1831.—Agreeably to the Order of the Day, the Address to His Excellency, in answer to His Speech from the Throne at the opening of the present Session, was read the third time, by a vote of twenty-four yeas to eleven nays. That part of it relating to Education was as follows:

We are happy to receive the assurance of Your Excellency that the aid intended to be granted by His Majesty's Government for the encouragement of District (Grammar) and Township (Common) Schools, and the advancement of the purposes of Education, will gradually prepare the Colony for the reception of the Agricultural classes leaving the Parent State.

In November, 1831, Mr. William Buell introduced a Bill into the House of Assembly for the "Promotion of Common Schools." The Reverend Egerton Ryerson was then Editor of the *Christian Guardian* newspaper, and as Editor he expressed himself strongly in favour of a principle which, in after years, as Chief Superintendent of Education, he more fully enforced and illustrated,—that, with Government oversight and inspection, should be joined the right and freedom of local control and management in the matter of Education. He said:

It is the grand principle of the Bill, however, which gives it an infinite value and renders it deserving of the support of every enlightened friend to general Education. It places the direction of Education in the hands of those who are personally interested. This is the latent mainspring of that unrivalled success which distinguishes the Common School System in the State of New York and several other States, and which has received the undeserved approbation and commanded the almost enthusiastic applause of the best English reviews and periodicals to which we have had access, and the reverse of this has been a serious obstacle to the progress of Education in Upper Canada.

Township Boards of School Superintendents.

In this Bill of Mr. Buell, provision was made by which the isolated School Managers of each local School were merged into a Township Board of "Superintendents of Schools," who were authorized to determine the number of Schools in a Township—make "Rules and Regulations" for them, and "appropriate the money which the Township would be entitled to receive." These Township Boards of School Superintendents were also authorized to select one of their number to meet with one each from other Townships, and to elect five persons to form "a Board of Education for the District," etcetera.

An effort was made in 1872 to introduce the principle of Township Boards into our School System, and this question was discussed fully in the *Journal of Education for Upper Canada,* in the November number of 1872. As Editor of the *Journal* at the time, I collected a good deal of practical information on the subject. In one of the articles quoted, the following summary of "desirable results" of a Township Board system are given, videlicet:

1. It would secure just as may Schools as the necessities of the community demand, each being an integral part of one central organization, and adapted to the wants of each individual.
2. It would dispense with a large number of School Officers.
3. It would establish a uniform rate of taxation.
4. It would furnish more uniform and equal advantages and privileges to every citizen.
5. It would allow the child to attend School where his own interests would be best conserved, with no restraint save what the general interests might require.

6. It would prevent strife about District (or School Section) lines.

7. It would diminish the aggregate expenditure for Schools.

8. It would secure a more efficient system of School Inspection and supervision.

9. It would secure permanency of supervision.

10. It would secure a greater permanency of Teachers.

11. It would secure a better class of Teachers.

12. It would secure better compensation to competent Teachers, and less employment for incompetent ones.

13. It will secure better School-houses.

14. It will secure greater facilities to Teachers for reference and illustration.

15. It will enable adjoining Townships to combine to establish graded Schools.

16. It will secure uniformity of Text books in the same Township.

17. It will result in more uniform methods of teaching.

18. It will secure the establishment of a Course of Study, and will tend to keep pupils longer in School.

19. It will secure to the Provincial Department more reliable statistics.

20. It will insure Schools in every locality, and prevent a bare majority from depriving a respectable minority of School privileges.

21. It will tend to diminish neighborhood quarrels.

22. It would ensure the employment of fewer nephews and nieces, sisters and sisters-in-law.

23. It would ensure a larger aggregate of interest on the part of the community in each School.

24. It would render possible Township Competitive Examinations.

There is no gainsaying the force of the argument presented by the above points, all of which are susceptible of the clearest proof and demonstration.

Bill for the More General Diffusion of Education Throughout the Province, 1831.

Whereas it is expedient and necessary that more effectual provision should be made for the encouragement and general diffusion of Education throughout this Province;

Be it therefore enacted, That an Act passed in the 56th year of the reign of George the Third, Chapter 36 (1816), intituled: "An Act Granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulations of said Common Schools"; An Act passed in the 60th year of George the Third, Chapter 7 (1820), intituled: "An Act to amend and continue under certain modifications an Act passed in the 56th year of George the Third" (1816), intituled: "An Act Granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulation of the said Common Schools"; An Act passed in the 4th year of George the Fourth, Chapter 8 (1824), intituled: "An Act to make Permanent and extend the Provisions of the laws now in force for the Establishment and Regulation of Common Schools throughout this Province, and for granting His Majesty a further sum of money to promote and encourage Education within the same"; and also so much of the Fourth Section of an Act passed in the 47th year of George the Third, Chapter 6 (1807), intituled: "An Act to establish Public (Grammar) Schools in each and every District in this Province," as enacts "that it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province, to appoint from time to time, not less than five fit and discreet persons in each and every District of this Province, to be Trustees to the said Public (Grammar) Schools, be, and the same are hereby repealed."

II. *And be it enacted*, That out of the rates and revenues of the Province, the several sums as hereinafter specified, be annually set apart and paid for the support of the Com-

mon Schools, together with such sums as may be due to the different Superintendents, as hereinafter provided, that is to say: To the Superintendents of every Township within this Province having one hundred inhabitants, there be paid twelve pounds (£12); to every Township, containing two hundred inhabitants, twenty pounds (£20); to every Township containing three hundred inhabitants, twenty-five pounds (£25); and to every Township containing four hundred inhabitants, thirty pounds (£30); and to every Township containing over four hundred inhabitants and under one thousand, for every one hundred inhabitants over four hundred, the additional sum of four pounds (£4); and to every Township containing over one thousand and under two thousand, for every hundred over one thousand, the sum of three pounds (£3); and to every Township containing three thousand inhabitants and upwards, for every additional one hundred over three thousand, the sum of one pound (£1).

III. *And be it enacted*, That the several sums shall be estimated from the returns of the number of inhabitants of the several Townships for the year immediately preceding that in which the estimate is made; in case no return shall have been made in such year, then the estimate shall be formed from the latest return to be found.

IV. *And be it enacted*, That it shall and may be lawful for the inhabitants, householders, of each Township within this Province, and they are hereby required, at their annual town meeting, to choose three fit and proper persons to act as Superintendents of Schools for the Township, during the year in which they shall be chosen; and such Superintendents shall take an oath of office within the same time, and be subject to the same responsibilities and penalties for neglect of taking such oath, or neglect of duty, that other Township Officers are by law liable, and vacancies shall and may be filled in the same manner as they are filled in other Township offices.

V. *And be it enacted*, That the Superintendents so chosen for any Township, or any two of them, are hereby authorized and required to meet on the third Mondays in June, September and December in the year for which they are so appointed, at the same place where the Township meeting for the year was held; and they, or any two of them, at any such meeting, or any adjourned meeting for the purposes of this Act, shall be authorized to make such Rules and Regulations, and appropriate this money which such Townships shall be entitled to receive for the year for the purposes of Education, to one or more Schools, as to them shall seem best for the benefit of the Township. And the said Superintendents are required, at their meeting in December, to report their proceedings to a District Board of Education, to be chosen as hereinafter provided; in which report they shall state the manner in which the money at their dosposal has been expended, the number of Schools, with the average number of pupils in each within their Township, and such other matters as may appear interesting in relation to Education.

VI. *And be it enacted*, That the Township Superintendents for each and every Township within the District where such Township is situated, shall, at their first meeting, select one from among the Superintendents of their respective Townships to perform the duty of electors who shall assemble on the Monday immediately following the selection of such electors, at the place where the Court of Assize was last held for the District; and, after having appointed a Moderator and Secretary from among their number, they shall proceed to ballot for five persons to compose a Board of Education for the District, of persons resident therein, which shall be decided in favour of such persons as have a majority of those present. And the persons so chosen shall be notified thereof by the Secretary of the meeting within one week thereafter; and such persons, so chosen, as aforesaid, shall take the same oath and be liable to the same penalties for neglect of taking the same and for neglect of duty as are herein prescribed for the Township Superintendents;

Provided always, that when any vacancy shall occur, from death, removal from the District, or neglect to take the necessary oath, such vacancy shall be filled by the majority of the Board present at their next meeting thereafter.

VII. *And be it enacted*, That the Members of the Board of Education for the different Districts shall meet on the third Monday in February, at the places where the last Court of King's Bench was held for the Districts, and examine and correct, if found necessary, a schedule of sums payable, according to the provisions of this Act, to be, by the Treasury of the District, furnished for the purpose; and, being satisfied of its correctness, said schedule shall be signed by the different members of the District Board present, which shall not be less than a majority of their whole number, which schedule, so signed, shall be a guide to the Treasurer in relation to the sums payable to the Township Superintendents; and the Treasurer is hereby required to pay over the respective sums, on the order of any two of the Township Superintendents, in such portions as they shall direct, as soon as the money appropriated by this Act shall come into his hands; nevertheless reserving to himself—*per centum* out of every order to be by him so paid, as a compensation for the duties imposed upon him by this Act.

VIII. *And be it enacted*, That it shall and may be lawful for the Members of the said District Board, to assemble at such other times and places as to them may seem fit, for transacting such other matters and performing such other duties as may be assigned them by this Act.

Provided always, that they shall meet on the twentieth day of December to examine all such reports as may be submitted to them by the Township Superintendents, and, thereupon frame a general report on the state of Education within the District, the number of Schools and pupils, with remarks as to the manner in which the Township Schools have been conducted; a copy of which report they shall transmit to the Governor, Lieutenant-Governor or person administering the Government, to be by him laid before the Legislature at its next Session.

IX. *And be it enacted*, That the said District Board of Education shall act as Trustees to the District (Grammar) Schools, as now by law (in 1807 and 1808) established, in all matters and things by law required, anything in any law of the Province to the contrary notwithstanding.

X. *And be it enacted*, That the Clerk of the Peace in each District within the Province shall furnish to the Treasurer a correct statement, so far as he may have received the same, of the number of inhabitants in every Township within the District required for carrying this Act into effect, on or before the first day of January in each year.

Provided always, that, if the Clerk of the Peace, or the Treasurer, or both of them, shall neglect their duty, it shall and may be lawful for the District Board of Education to procure the most accurate estimate of the number of inhabitants in the several Townships in the District, on which they shall make up a schedule, to be signed as herein provided, which schedule shall be a sufficient warrant to the Treasurer for paying over the money to the Township Superintendents.

XI. *And be it enacted*, That it shall and may be lawful for the Township Superintendent to draw on the Treasurer of the District for ——— per day, for their own compensation, for every day that each of them may be employed on the business for which they shall be chosen, provided the same do not exceed ——— to each of the ordinary Superintendents and ——— to the one appointed to select the Board of Education, which sums the Treasurer of the District is required to pay to each of them, on the certificate of any two, that the third has been so employed.

XII. *And be it enacted*, That each of the Members of the District Board of Education shall be entitled to receive a like sum of ——— per day, for every day employed in forwarding the purposes of this Act, provided the same do not exceed the sum of ——— to each, which sums shall be paid by the Treasurer out of the funds of the District, on the certificate of any three Members of the District Board of Education, of the sums due to their associates for such services.

XIII. *And be it enacted*, That the several sums hereby granted to the several Districts of this Province, shall be paid by the Receiver-General of this Province to the Treasurer of each District respectively, in discharge of such warrant, or warrants, as shall, from time to time, be issued by the Governor, Lieutenant-Governor, or person administering the Government of the Province, and shall be accounted for by the Receiver-General to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

13th December, 1831.—Agreeably to notice, Mr. Charles Duncombe, seconded by Mr. Absalom Shade, moves that an Address be presented to His Excellency the Lieutenant-Governor, representing—

1. That there is in this Province a very general want of Education, that the insufficiency of the Common School Fund to support competent, respectable and well educated Teachers, has degraded Common School teaching from a regular business to a mere matter of convenience to transient persons or common idlers, who often stay for but one season, and leave the Schools vacant until they accommodate some other like person; whereby the minds of the youth of this Province are left without due cultivation, or what is still worse, frequently, with vulgar, low-bred, vicious and intemperate examples before them in the persons of their monitors.

2. That if provision were made for the liberal and punctual payment of Common School Teachers, under proper regulations, the teaching of Common Schools would soon become a regular and respectable calling; gentlemanly, well educated persons would not be ashamed to take charge of youth, the Schools would be no longer vacant, nor the scholars ignorant. Upper Canada would then form a national character that would command respect abroad and ensure peace, prosperity and happiness at home; perpetuate attachment to British principles and British institutions, and enable posterity to value, as they ought, the inestimable blessings of our glorious Constitution.

3. And respectfully requesting His Excellency to represent to His Majesty's Principal Secretary of State for the Colonies that there is dormant British capital in this Province (which might be rendered available and productive, if placed at the disposal of the Province) sufficient to place its Schools in as flourishing a condition as they are in in any part of the civilized world, and to entreat that His Majesty will be graciously pleased to place at the disposal of the Provincial Legislature a portion of the waste lands of the Crown as a permanent fund for the support of Common Schools within the same. . . .

During the remainder of the year and in the following year reports were adopted by the Legislature in regard to the Imperial Grant of Lands in 1789. On December 14th, 1832, a Select Committee brought in a Report in regard to the necessity of adopting active measures for the promotion of elementary education in the Province, as follows:

To the Honourable the Speaker of the Commons House of Assembly:

In submitting a Second Report, your Committee beg leave to state, that they are deeply impressed with the great responsibility which rests upon them in discharging the important trust committed to their management, and have felt the many difficulties which they have had to encounter in bringing it to such a result as would be at once useful and satisfactory.

Sensible that the subject of Education is fraught with the most weighty and serious consequences to the future welfare of the Province, they have most anxiously and faithfully endeavoured so to direct their labours as to meet the just expectations which your Honourable House manifested on their appointment.

Aware that little or nothing has been done for many years to extend the means of instruction, and to meet the increasing wants of our rapidly growing population; that our present system of District or Grammar Schools, excellent as it was at the time (1807-8), and adequate as it may have been for a Colony containing only fifty thousand inhabitants, is quite unfit, without material improvement, for a population of nearly three hundred thousand.

That the situation of the Province in wealth and commerce, and in its demand for superior attainments in the various professions, is very different from what it formerly was, and that unless opportunities are immediately furnished by the establishment of superior Schools for the instruction of our youth in the higher branches of Science, we must fall behind the age in which we live.

Practical and Patriotic Object of this and the Former Report.

Your Committee, after acquiring the best information within their reach, are not without hope that the plan which they are about to recommend to the adoption of your Honourable House, taken in connection with their First Report, will present a system of Education which will be found to deserve the approbation of every friend of knowledge; to contain within itself the power of expansion, so as to meet the wants of our extending settlements, and to place the Province in a situation as enviable for the means of instruction as it is for the freedom of its institutions, and the fertility of its soil.

It will be seen that your Committee aspire to much more than that of satisfying the wishes of their fellow subjects of the present generation; they aspire to cherish and promote the permanent and substantial interests of the Colony, and the character and respectability of the people by whom it may be inhabited in all time to come.

Object of Obtaining the Opinion of Experienced Persons.

With a view to the attainment of these most desirable objects, your Committee, in the first place, agreed upon a list of questions to be put to such persons as they might find it necessary to summon before them for examination; which questions, together with the various answers, will be found in the Appendix to this Report, and, in the opinion of your Committee, they will afford to the country a fund of valuable information.

These, with the many important documents in the Journals of your Honourable House, with such other assistance as your Committee have been able to glean from the practice of other countries, have been carefully considered, with a special view to the wants and wishes of this extensive, happy and prosperous Province, and have induced your Committee to offer the following Report as the result of their deliberations:

Historical Retrospect by the Committee.—Further Land Grants Suggested.

It appears to your Committee, from the Documents before them, that the original appropriation, in order to raise a fund for promoting Education, consisted of 549,217 Acres of Land; that, by a recent order from His Majesty's Government, the University of King's College has been endowed with 225,273 Acres, which appears to be in accordance with the prayer of the Legislature in 1797; the residue consisting of 323,944, or in round numbers 324,000 acres, is at the disposal of the Provincial Parliament.

In regard to any other deduction, for the support of Upper Canada College, your Committee entertain no doubt that, on a respectful representation to His Majesty's Government, an endowment will be granted to that Seminary, as a separate and Royal Gift, exclusive of the School Lands originally set apart for the University and District Grammar Schools.

It is indeed manifest from the spirit of the letter of His Grace the Duke of Portland, in 1797, that further grants would have been cheerfully made, had they been requested, and deemed necessary.

And surely there is no reason to doubt but that His Majesty's present Government is as willing now, as it was then, to comply with any reasonable prayer of the Legislature of this Province, for further appropriations for the Education of our now great and increasing population.

And how can the waste lands of the Crown be more usefully disposed of than in promoting public instruction, and establishing beneficial institutions?

Your Committee, proceeding upon the reasonable assumption that 324,000 Acres of Land still remain at the disposal of the Legislature for the support of Grammar Schools, in the several Districts throughout the Province, are of opinion that their management, as well as the superintendence of all the District (Grammar) and Common Schools, might be usefully and conveniently placed under such a Board of Commissioners, as is recommended in His Excellency's Speech from the Throne, and in the Report of the Executive Council of the 29th April, 1831, with this material addition: That each District Board of Trustees for the several District Grammar Schools be incorporated with the General Board of Education, and communicate therewith by its Chairman, or Secretary.*

Recommendation of a Provincial Board of Educational Commissioners.

Your Committee feel the more confidence in recommending the establishment of such a Board of Commissioners, from observing that a General Board of Education, or Regents of the University, has for many years superintended all Grammar Schools and Academies in the State of New York, between Common Schools and Chartered Universities, at present about sixty in number, with the most beneficial results.† Such a Board, established in this Province, with similar powers, would virtually possess all the knowledge and experience of the several District Grammar School Boards, from its communication with their Chairmen, and also from the occasional attendance of their members at its meeting; and thus a deep interest in the proceedings of the Board, and its success, would be diffused through the whole Province.

Under the superintendence of such a General Board of Commissioners, the improvements of District Grammar Schools would be equal and uniform; and, when new Districts were formed, their Boards of Grammar School Trustees would, of course, become members and correspondents of the General Board of Commissioners, and receive their share of the available funds.

Such a Board should be restrained in the power and authority with which it may be entrusted, by such rules and regulations as the Legislature may, from time to time, deem meet and expedient.

After ascertaining the quality and value of the lands under its management, by careful inspection and examination, it might be ordered that no portion should be sold under the average price of Crown and Clergy Reserves, which is, at present, about fifteen shillings ($3) per acre; a price which would be gradually increasing, as the School Lands are, or ought to be, equally good.

That the capital arising from sales be invested in good securities, and the interest, or annual income, only expended.

In this way a Grammar School fund will be gradually accumulated, and, although it may not for some time be considerable, it cannot fail to be ultimately great; and it should be borne in mind that public institutions of this kind are for the benefit of posterity, as well as of the present generation, and can seldom be extensively available when first established.

As it has ever been the intention of the Legislature to establish a Superior Grammar School in each District, to support which these Lands offer the principal source of income,

* This part of the Report is identical with the Reverend Dr. Strachan's evidence, reply to Question (1.) put to him by the Select Committee of the House of Assembly on Education. See the Second Volume of Documentary History of Education in Upper Canada, page 86.

† Ibid, page 87.

it would be a thousand pities, by too hasty sales, to render this source inefficient, since a little precaution, from the wonderful rapidity with which the Province is advancing in wealth and population, would soon realize an annual revenue equal to every reasonable purpose.

If the Province, without detracting from the present income, would erect in each District a good substantial School House of stone, or brick, after an approved model, so contrived, as, besides convenient School rooms, to admit of a Residence for the Head Master, with proper accommodations to enable him to keep Boarders, the plan suggested might become immediately efficient, and the accumulating fund would soon supply a salary for an additional Classical Master and a Teacher of Mathematics; but, if it should be difficult to meet this expense in the present state of the Provincial Revenue, your Committee most respectfully submit that another mode presents itself for effecting the same thing, to which they do not anticipate any serious objection,—and that is, to make it imperative in the several Districts to erect such Buildings out of their own funds. This expenditure, as the School Houses would be all of the same form, need not exceed a specified sum; and for a purpose so necessary it would meet with general approbation, and would, at the present time, be scarcely felt by any District. It is an expense which they could well afford, and which they ought cheerfully to meet, while it would greatly relieve the Provincial Revenue and School Fund.

It would be the duty of such General Board of Commissioners to come to some conclusion as to what the ultimate condition of such District Grammar School ought to be, that they might keep it always in view, so as to take care, in their sales of land, to insure an increase fully adequate to their proposed objects.

In the meantime, to render the Board of Commissioners useful and efficient, it might be well to entrust it with an annual grant, to a certain amount, in aid of its revenue arising from interest on the money invested from the sale of lands, to be expended in salaries to additional Masters of District Grammar and other Schools, where required.

Were, for example, five thousand pounds (£5,000) per annum at the disposal of the Board of Commissioners, the deficiency between its income and this sum,—be made up from the Provincial Revenue,—such deficiency would lessen every year, and, in a short time, totally disappear, and thus relieve the Province from all charge. Your Committee, in making this recommendation, are supported by authorities both in England and the United States of America.

It might also be advisable to invest the General Board of Commissioners with power to encourage the establishment of Grammar Schools and Academies in populous towns and places, on certain conditions:—such as erecting proper buildings, placing them under the superintendence of the Board of Commissioners, and by adopting the system of instruction recommended, and by assigning to their Teachers reasonable salaries.

Principles of Supervision—Suggested by the Reverend Doctor Strachan.

In directing their attention to the principles upon which such Schools as they have been proposing to place under the General Board of Commissioners ought to be established, your Committee so strongly agree in opinion with one of the gentlemen examined that they cannot do better than quote his answers. [They are those of the Honourable and Venerable Doctor Strachan, Archdeacon of York, and are as follows, page 89]:

1st. A vigilant superintendence over both Masters and Scholars, by a local Board of Trustees, is absolutely necessary.

Note.—It may be wise and convenient to give the Head Master a seat at such Board, that its rules and regulations may be conveyed through him, and that, in their adoption, the Board may have the benefit of his judgment and experience.

2nd. Such a system of instruction as may meet the wants and wishes of the country ought to be chosen, and this will be best digested and arranged by persons acquainted with the Province from long residence and observation.

3rd. Some portion of the income of the Teachers should depend upon the prosperity of the Institution.

NOTE.—In Universities, where the higher branches are only taught, where few students can be expected, and where fees are not always exacted, it is different; but in all inferior Schools and Seminaries, the Masters ought to have an immediate interest in their becoming flourishing.

4th. A just system of discipline, not confined to School hours or School grounds, but extending over the conduct of every Scholar, at all hours and in all places, while he continues in the Seminary.*

NOTES.—(1) No severe punishment ought to be inflicted on any boy until after conviction, on clear evidence, and after admitting the accused a full opportunity of defence.

(2) No weapon should be allowed for punishing that may injure; and corporal punishment, except for immoral conduct, should be discountenanced, as much as possible.

Your Committee are inclined to believe, [as suggested by the Reverend Doctor Strachan] that, if in any Seminary punishments are frequent, the cause may be attributed to the irritable disposition of the Master, and [as Doctor Strachan also states,] his incapacity to teach. Such Masters ought [as he suggests] to be speedily removed, for no Teacher, whatever his abilities may be, is fit for the office of an Instructor who is not rather loved than feared by his pupils.

Your Committee, having thus stated, at some length, what they consider the best plan for managing the School Fund, and for superintending and improving the District Grammar and other Schools, and placing them on the most approved principles, proceeded to reduce the same into the form of a Bill, which they present herewith. They earnestly recommend it to the adoption of Your Honourable House.

DRAFT OF A BILL ON GRAMMAR SCHOOL EDUCATION IN UPPER CANADA, 1832.

This Draft of a Bill on the subject of Education also accompanied the second Report of the Select Committee of the House of Assembly in 1832. It was prepared chiefly by Mr. Mahlon Burwell, the Chairman of the Committee. It was most comprehensive in its scope, and was really intended to give system to and infuse vigour into the administration of Educational affairs in Upper Canada. Its main feature was the calling into existence of a General Board of seventeen Education Commissioners, including the Speakers of the two Houses of the Legislature. To this Board was to be entrusted the management of the official machinery created by the Bill; five of these seventeen persons, from a list of twenty-five, selected by the District Grand Jury, were to be appointed to act also as Trustees of the Public (Grammar) School in each District, etcetera.

The Bill further provided for the erection of School Houses and Teachers' Residences. Its eighteenth section also anticipated (by more than forty years), the provisions in the High School Act of 1874 (section ninety-eight), for the expansion of High Schools into Collegiate Institutes.

* In the Regulations prescribed for the Primary Schools of Ontario, in 1875, the same principle was laid down, and it was declared: "That pupils shall be responsible to the Master for any misconduct on the School premises, or in going to, or from, School, except when accompanied by their parents or guardians."

MOST GRACIOUS SOVEREIGN:

Whereas Your Majesty has been graciously pleased to place at the disposition of the Provincial Legislature the School Lands granted by Your Royal Predecessor, King George the Third, in the year 1797, for the promotion of Education within this Province, and now remaining unalienated; and

Whereas, the existing laws for the support and establishment of District Grammar Schools are found insufficient;

Be it therefore enacted, That an Act passed in the 47th year of the reign of His late Majesty, King George the Third, Chapter 16 (1807) intituled: "An Act to establish Public (Grammar) Schools in each and every District of this Province,"* and also an Act passed in the 48th year of His said late Majesty's Reign, Chapter 16 (1808),† intituled: "An Act to amend an Act passed in the 47th year of His Majesty's Reign, Chapter 16 (1807), intituled: 'An Act to establish Public (Grammar) Schools in each and every District of this Province,' and also a certain other Act of the Parliament of this Province, passed in the 59th year of the reign of His said late Majesty‡ (1819), Chapter 4, intituled: 'An Act to Repeal part of and to Amend the Laws now in force for establishing Public (Grammar) Schools in the several Districts of this Province, and to extend the provisions of the same,'" shall be, and the same are hereby repealed.

2. *And be it enacted*, That there shall be established in this Province a General Board of Commissioners of Education, to consist of twelve Members, together with the Trustees of the District and Grammar Schools for the several Districts, to be appointed as hereinafter mentioned, and that the Speaker of the Legislative Council and of the House of Assembly, for the time being, shall be *ex-officio* Members thereof.§

3. *And be it enacted*, That the said General Board of Education shall have the superintendence and management of all the School Lands now remaining unalienated in this Province, and shall have full power and authority to sell, lease, or otherwise dispose of them, as in their judgment may seem meet; Provided always, that no part, or portion, of the School Lands shall, at any time, be sold for a less sum than fifteen shillings per acre.

4. *And be it enacted*, That the money arising from such sales or leases of the School Lands shall be vested in approved securities, and the interest thereof only expended; and it shall be the duty of the General Board of Education, and they are hereby required, annually, to divide the same equally between the several Districts that now are, or may be hereafter, formed in this Province, in proportion to the population of the said Districts respectively.

5. *And be it enacted*, That it shall and may be lawful for the Governor, or person administering the Government of this Province, for the time being, to nominate and appoint ten fit and discreet persons to constitute Members of the said General Board of Education, making the number of twelve as aforesaid, including the Speakers of the Legislative Council and of the House of Assembly.

6. *And be it enacted*, That it shall and may be lawful for the Magistrates, in General Quarter Sessions of the Peace assembled, in each and every District of this

* See First Volume of Documentary History of Education in Upper Canada, page 60.

† Ibid, page 60. ‡ Ibid, page 148.

§ This General Board of Education was intended to take the place of the one established in 1823, and of which, up to the time of its abolition in 1832, the Reverend Doctor Strachan was President. By the Reverend Doctor Ryerson's first School Act of 1846 (section three) a Provincial "Board of Education" of seven members was established. By the general School Act of 1850 (section thirty-six) a "Council of Public Instruction" of nine members took the place of this Board. In 1874, this Council was increased to eighteen members—nine of whom were elective. In 1876 it was done away with on the retirement of the Reverend Doctor Ryerson in that year. By the Act of 1876 (39 Victoria, chapter sixteen) the Executive Council practically took the place of the Council of Public Instruction.

Province, at the first meeting after the next Autumn Assizes, to select from a list of twenty-five persons, presented by the Grand Jury, then and there summoned at the said Assizes (which list the Grand Jury is hereby required to furnish) five fit and discreet persons to act as Trustees for the several District (Grammar) Schools; Provided always, that in case of a vacancy by death or otherwise the vacancies shall be filled up by the Magistrates, from a list given in by the Grand Jury, in the manner and form aforesaid.

7. *And be it enacted*, That the General Board of Education, consisting of twelve members, as aforesaid, and the Trustees of the several District (Grammar) Schools, and their successors, shall be one distinct and separate body corporate and politic, in deed and in name, by the name and style of the "General Board of Education for the Province of Upper Canada," and that by the same they shall have perpetual succession and a Common Seal, and they and their successors shall, from time to time, have full power to alter, revise or change, such Common Seal, at their will and pleasure, as shall be found convenient, and that by the same name, the said "General Board of Education for Upper Canada," and their successors, shall be able and capable to have, take, receive, purchase, hold, possess, enjoy and maintain, to and for the uses of the District and Grammar Schools of the said Province, any messuage, lands, tenements and hereditaments of whatever kind, nature or quality soever, situate and being within the said Province of Upper Canada, so as the same do not exceed the yearly value of twenty-five thousand pounds (£25,000) currency, above all charges; and, moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all or any goods, chattels, charitable or other contributions, gifts or benefactions whatsoever.

[NOTE.—Section 8 was not in the printed Parliamentary copy.]

9. *And be it enacted*, That the said General Board of Education shall have power and authority to make such rules and regulations for the good government and management of the District and Grammar Schools throughout the Province, and touching all the trusts reposed in them, as shall to them seem meet, and also, from time to time, by any new rules and regulations, to make, renew, augment, or alter, all, or every, of the said rules and regulations, as to them shall seem meet and expedient; provided always that the said rules and regulations, or any of them, shall be not repugnant to the laws of the Province of Upper Canada, or to the provisions of this Act.

10. *And be it enacted*, That the Officers of the said Corporation shall be a President, Treasurer and Secretary; the same to be chosen by the General Board of Education at their first meeting after the passing of this Act.

11. *And be it enacted*, That the President, or in his absence the senior Member present, shall preside at the meetings of the Board, and shall have a casting vote, in case of a division.

12. *And be it enacted*, That the said General Board, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful, touching the duties of the Treasurer and Secretary, regarding the faithful performance of their respective offices, and all such other matters as appertain to the property under their charge, and for the due administration thereof, with such salaries and allowances as to them shall seem meet.

13. *And be it enacted*, That there shall be four ordinary meetings of the General Board of Education throughout the year, in the Legislative Council Chambers, on the first Wednesday of January, April, June and October, with power to adjourn from day to day, and that five Members, with the President, shall constitute a quorum for the transaction of business; Provided always, that there shall be an extraordinary meeting on the first Monday after the meeting of the Legislature in each and every year; Provided, also, that the President may call a meeting of the Board at any such time as he may see fit, giving three days' notice of the same; and as often as five Members shall

request the President, in writing, to call a meeting of the General Board of Education, he is authorized and enjoined to call the same.

14. *And be it enacted*, That, until an annual income of the General Board of Education (from the interest of money arising from the sale of School Lands under their management) shall amount to five thousand pounds (£5,000) the deficiency shall be paid out of the Provincial revenue, in virtue of a warrant in favour of the Treasurer of said Board for the time being, issued by the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being, on the Receiver-General of the Province; such warrant to issue half-yearly on a requisition made by the President of the Board, countersigned by the Treasurer and Secretary, stating the deficiency of income.

SCHOOL HOUSE AND A RESIDENCE FOR TEACHER TO BE ERECTED.

15. *And be it enacted*, That it shall and may be lawful for the Magistrates of each and every District in this Province to direct that a commodious School House and Residence for a Teacher be built in each Town where the Quarter Sessions are held, and the expense of the same shall be defrayed out of the funds of the said District; the said School House and Residence to be erected on a uniform plan furnished to the Magistrates by the General Board of Education.

16. *And be it enacted*, That, until such School House and Residence be erected as aforesaid, no District shall be entitled to any assistance from the moneys at the disposal of the General Board of Education beyond one hundred pounds currency (£100) per annum.

PROVISION TO MEET THE CASE OF THE GRANTHAM AND BATH ACADEMIES.

17. *And be it enacted*, That it shall and may be lawful for the General Board of Education, constituted as aforesaid, on satisfactory evidence being given that an Academy has been built, and in full operation, in which the Classics and a general system of English Education are taught, and that the proprietors thereof are willing to place the same under the direction of the said General Board, to allow the said Institution such assistance from the funds at their disposal as shall not exceed two-thirds of the allowance given to the District Grammar School of the District within which such Academy is erected, and provided always, that such Academy be not built in the Town or place where the District (Grammar) School is kept.

ENACTMENT, ANTICIPATING THE MODERN COLLEGIATE INSTITUTES.

18. *And be it enacted*, That it shall and may be lawful for the said General Board, from time to time, as the funds at their disposal allow, to increase the means of instruction at the District (Grammar) Schools until each such School possesses two Classical Masters, one Mathematical Master, and a Teacher of Writing and Arithmetic and the ordinary branches of an English Education; and this shall be considered the maximum in the establishment of District (Grammar) Schools, beyond which it shall not be lawful for the Board as aforesaid to proceed; Provided, nevertheless, that this shall not be so construed as to restrain the said Board from allowing premiums to the best Scholars in the different Districts, at their discretion, provided the amount of such premiums do not exceed in any one year one-twentieth part of the annual income at the disposal of the said Board.

NOTE.—This eighteenth section practically laid down the principle of "Collegiate Institutes," or a superior class of Grammar, or High Schools, which was afterwards embodied in the School legislation (under the Reverend Doctor Ryerson's administration), in 1871, section 11. That section was originally drafted by the Editor of this Volume under special circumstances. It was somewhat modified on passing.

19. *And be it enacted*, That it shall and may be lawful for the General Board of Education to require and demand of each School, under their control and superintendence, annual returns, such returns to be signed by the Head Master of said School and by the Trustees, the form of said return to be prescribed by the General Board of Education.

20. *And be it enacted*, That it shall and may be lawful for the General Board of Education, as aforesaid, to withhold all aid from such Schools, in salaries to their Teachers, or otherwise, as shall not make regular returns to the Board as aforesaid.

21. *And be it enacted*, That the Trustees appointed under and by virtue of this Act, in each and every District of this Province, or the majority of them, shall have full power and authority to nominate fit and discreet persons as Teachers thereof, and to examine into the moral character, learning and capacity of such persons so nominated, and being satisfied, it shall and may be lawful for the said Trustees, or the majority of them, to report such their nomination, or nominations, to the Governor, Lieutenant-Governor, or person administering the Government of this Province, either to approve or disapprove of the same; Provided always, that the said Trustees, or the majority of them, shall have full power and authority, in their discretion, to remove any Teacher, or Teachers, from the Public (Grammar) School, for any misdemeanour or impropriety of conduct, subject to the approval of the General Board of Education; and it shall and may be lawful for the said Trustees, or the majority of them, in case of the demise, dismissal, or removal of any Teacher, or Teachers, of the said Public (Grammar) Schools, to nominate and appoint other discreet persons to fill the vacancies in manner and form aforesaid, subject to the like approval, as aforesaid.

22. *And be it enacted*, That the Trustees appointed under and by virtue of this Act, in each and every District or the majority of them, shall have full power and authority to make such rules and regulations for the good government and management of the said Public (Grammar) Schools, with respect to the Teacher, or Trustees, for the time being, and to the Scholars, as in their discretion shall seem meet; Provided always, that the same be not repugnant to any rules and regulations established by the General Board of Education, or to the laws of this Province.

23. *And be it enacted*, That it shall and may be lawful for the said Board of Education, as often as the same shall appear expedient, either by their President, or one of their Members, to visit, inspect and examine any, or all, of the District and Grammar Schools under their superintendence, to enquire into their condition, system of Education and discipline, and to report the same for the information of the Board.

24. *And be it enacted*, That it shall and may be lawful for the General Board of Education, and it is hereby required, to make a Report of the Schools annually to the Governor, Lieutenant-Governor, or person administering the Government of this Province, to be by him laid before the Legislature, embracing such information concerning the state of the District and Grammar Schools as may have come to their knowledge and may be deemed useful, together with a correct account of all disbursements whatsoever, and the amount received by each School.

25. *And be it enacted*, That a regular account of all moneys received and paid by direction of the General Board shall be laid before the Inspector-General every half year, and audited in the same manner as the public accounts of other Departments, so that the same may come in regular course before the Legislature at each Session.

26. *And be it enacted*, That this Act be, and is hereby declared to be, a public Act, and that the same shall be construed as such in all His Majesty's Courts of Law in this Province.

The Common School Bill of 1833, which Failed to Pass.

The analysis of the details of the Bill, in the following article, sufficiently describes its provisions and purpose, for it is a review and criticism of this Bill of Mr. Burwell's, by the Reverend Egerton Ryerson, and is given in the *Christian Guardian* of the 15th of January, 1834. Coming from such a source, this review and criticism are of special interest and value, as the Writer was, years afterwards, the framer of several of such School Bills himself. The article is as follows:

Colonel Burwell's School Bill of 1833.—This Bill is designed "for the Regulation of Common Schools in this Province." It is unquestionably the result of much study and labour; and it evidently contemplates the extension of education to the poorer, as well as to the richer, classes, under regulations adapted to their circumstances. Its principal provisions are: 1. The establishment of a Common School Fund. 2. The appointment of a General Board of Education, and also District Boards of Education, with their respective powers and duties. 3. It provides for the election of Township School Commissioners, and School District Trustees, and fixes their duties. 4. It lays down the principles and regulations for the distribution of moneys. The Bill contains 24 clauses; but the above are the leading features of it.

After repealing existing School Acts, this Bill proposes the establishment of a Fund, to be called: "The Common School Fund," to consist of such sum or sums of money as may annually be appropriated by the Legislature, out of the Provincial Revenues, and the moneys arising from the sale, or leasing, of Common School Lands; also, of an amount equal to the Legislative appropriations: "to be raised by assessment, by order of the Quarter Sessions in their respective Districts, on the rateable property, in the same manner as other assessments are now raised, levied, and collected."

Taxation, according to the value of assessed property, is undoubtedly the most equitable plan for the promotion of any public, or national, purpose, and it is, perhaps, of little consequence by whom a tax is imposed, so long as it has been sanctioned by the assembled wisdom of the people, and is so guarded, in the mode of its exaction, as to secure an exact correspondence between the amount required and that of the assessment made.

The idea of raising by tax in each District or Township, a sum equal to the Legislative Grant for that District, or Township, has probably been borrowed from the United States. In the State of New York, twentyfive thousand pounds (or $100,000) are distributed annually, "but, on the condition, that each Town (Township) raises, by tax, or otherwise, as much as it receives from the School Fund." In Rhode Island, the Schools are supported by taxes and private subscriptions, with the exception of an annual Legislative appropriation of two thousand five hundred pounds (or $10,000). In Massachusetts, the Schools are supported by public taxes and private subscriptions. In Vermont, between twelve and fifteen thousand pounds (from $48,000 to $60,000) are raised for Common Schools, from a three *per cent.* tax on the grand list, and as much more from district taxes, besides an income of about five hundred pounds ($2,000) from a tax on Bank Stock. In New Hampshire, a separate tax of upwards of twenty-two thousand pounds ($88,000) are raised for Schools, besides an annual grant from Bank Stock of about two thousand five hundreds pounds ($10,000). In Maine, the law requires that the inhabitants of every Town (Township) pay for the support of Schools, a sum equal at least to forty cents for each person, which amounts to about thirty thousand pounds ($120,000). The principle, therefore, of supporting the Common Schools in part by a tax, has the sanction of the best educated States of the American Union.

Note.—No School Legislation of any importance took place in 1834.

BILLS OF THE HOUSE OF ASSEMBLY DROPPED, OR REJECTED, BY THE LEGISLATIVE COUNCIL IN 1835.

The rejection, by the Legislative Council, of measures passed during several years, by the House of Assembly, having been formally brought before the House of Assembly in 1835, I have thought it desirable to review the whole matter, before dealing with the specific measures relating to Education, which were rejected by the Legislative Council in 1835.

In a Petition addressed, early in 1829, "to the King's Most Excellent Majesty, and to the several other branches of the Imperial and Provincial Legislatures," and agreed to at a public meeting held in York, and presided over by Doctor W. W. Baldwin, a complaint was made, among others, of the "rejection, by the Legislative Council, even in these early days, of the most salutary measures passed by large majorities in the House of Assembly, and much desired by the people." Mr. William Lyon Mackenzie reiterates the same complaint in his letter to Lord Goderich, dated January 9th, 1833. In his noted Seventh Report on Grievances, dated April 10th, 1835, he gives a number of such cases which occurred during the Parliamentary Sessions from 1824 to 1835.

I have carefully gone through the Journals of the Proceedings of the House of Assembly, and have noted the facts. It seemed to me, however, from that examination, that the House of Assembly had really led the way in its rejection of salutary educational legislation. Thus, in 1804, it thrice rejected a measure proposed, in response to an earnest Petition from the County of Glengarry, to establish Schools "in the most central places." And at each rejection, the promoters of the Bill sought to modify its provisions, so as to meet the professed objections of those who opposed the original Bill "to provide a Fund for the support of Schools," but all to no purpose, as the modified Bill was rejected in each case. At the meeting to which I have referred, the complainants wholly ignored these proceedings of the House of Assembly, and cast the entire blame for obstructive legislation on the "irresponsible" Legislative Council. And yet, of course, there was truth, abundant truth, in the complaint that the Legislative Council did in these days, from one cause or another, object to much apparently useful legislation which had originated in the House of Assembly. The reason is not far to seek: In the first place, the antagonism in the House of Assembly itself to many of the measures passed by it was known in the Legislative Council, for the Members of the Assembly were by no means a unit as to the necessity, or even desirability, of many of these measures. This fact, no doubt, largely influenced leading Members in the Legislative Council, to defeat such measures when they came before them; and thus, by this proceeding, they sought to meet the wishes of their friends in the House of Assembly.*

* Among these "friends" was, no doubt, the notable Mr. W. L. Mackenzie, who, with other Members of the House of Assembly, strongly resented the action of the Legislative Council in rejecting important measures relating to Education which had been sent up to the Council for its adoption. He therefore prepared the famous "Grievance Report," in which he referred in strong terms of censure to this uniformly unfriendly proceeding of the Legislative Council. I had personally a rather pleasant experience of Mr. Mackenzie. While a Member of the House of Assembly during the period of the Reverend Doctor Ryerson's regime, he had taken exception to the Educational Depository, then an adjunct of the Education Department. I made it my business to ask him to come to the Department and I would give him the fullest information in regard to the Depository, and the details of its management. The result was that he was perfectly satisfied with my explanation, and ever afterwards defended the Depository when attacked by other objectors.

Secondly, and probably the most prolific cause of disagreement which led to the rejection of many measures passed by the House of Assembly, was that species of latent, though somewhat intangible, hostility which took a personal form, against measures proposed by individual Members of the House of Assembly—to defeat which partook of the nature of a personal triumph. No doubt, many of the salutary measures rejected by the Legislative Council were under a ban from the first; and their rejection may have been due to one or other of the causes named, or a combination of both, and not necessarily to an objection, *per se*, to the measures themselves, on their merits, although in its report on the subject in 1836, the Legislative Council gave its reasons for the rejection of specific measures.

Then, it should not be forgotten, that the Legislative Council was being constantly recruited from Members of the House of Assembly, who, no doubt, carried with them feelings of personal antagonism, engendered against their late comrades in this House itself. Another cause of friction was the strong objection which Members of the Assembly had to the presence of "high Officials," or "placemen," as they were called, in the Legislative Council. This objection, being often put forth offensively, in the public press of the day, reacted upon the Council itself, and, no doubt, led to much of that dignified official hostility which decorously veiled itself in many obstructive forms, in the intercourse which took place between the two Houses.

The rejection of measures by the Legislative Council which had been passed by the House of Assembly was brought under the notice of that House on the 14th of April, 1835, and a Select Committee was appointed to enquire into the matter. This the Committee did; and its Report will be found under the Proceedings of the House of Assembly of the 16th of the same month.

On the preceding day (15th of April), another Select Committee, appointed to report upon the Constitution of the Executive and Legislative Councils, brought in a Report, which was adopted. In that Report the specific charge was made that certain (enumerated) measures passed by the House of Assembly:

> Have been rejected by the Legislative Council, without amendment; and the labours of this House,—during a Session which we think we may justly declare has been distinguished for unprecedented diligence and application to public business,—have been almost entirely baffled and rendered useless by the course pursued by the Legislative Council.

As the Legislature was prorogued on the day after this Report was adopted by the House of Assembly, the Legislative Council could not reply to it until the following Session. This the Legislative Council did in the Report of a Special Committee, on April the 18th, 1836. In that Report the whole question is elaborately discussed, and, in the majority of cases, specific reasons are given for dropping or formally rejecting individual Bills. The reasons for so dealing with the Educational Bills will be given in connection with the Bills themselves.

One of the Bills rejected by the Legislative Council in the Session of 1835, was one intituled: "An Act for the Promotion of Education," part of the discussion on which is given in the Proceedings of the House of Assembly of March 30th, 1835. The reasons for the rejection of this Bill were not given by the Select Committee of the Legislative Council, as they had been previously given in a

special Report of the Legislative Council, on the Bill itself, dated April 9th, 1835. The Bill itself is inserted as follows:

Rejected Bill of 1835, Intituled: "An Act to Promote Education."

Most Gracious Sovereign:

Whereas, it is necessary to make more ample provision for the Teachers of Common Schools and to provide means to enable some of the most talented youth in the Province to pursue their studies in the higher Seminaries of learning, which are now, or may hereafter be, established in this Province:

Be it therefore enacted, That the Ninth Section of an Act passed in the fifty-sixth year of reign of His late Majesty King George the Third (1816), Chapter 36,* intituled: "An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulations of said Common Schools" be and the same is hereby repealed.

2. *And be it further enacted*, That it shall and may be lawful for the inhabitant householders of each and every Township in this Province, at the Town-meeting, to be held on the first Monday of January in each and every year, to nominate and appoint three fit and proper persons to be Superintendents of Schools in the Township* for the year in which they shall be so appointed.

3. *And be it further enacted*, That it shall be the duty of such Superintendents of Schools in the Township to appoint a time and place in the Township, for which they shall have been chosen, where all Scholars are to attend, who may consider themselves to have made such progress in learning as to qualify them to become candidates for the superior Schools; and the said Superintendent of Schools shall, from among the Scholars so assembled, select three of the most talented and promising, who are to be candidates for admittance into the District (Grammar) School, or into such other Seminaries of learning, which are now or may hereafter be established into this Province.

4. *And be it further enacted.* That the different Superintendents of Schools in each and every Township, at their first meeting, to be held before the first day of June in each and every year, shall nominate and appoint a fit and proper person to be a Member of the District Board of Education; and that the several Members, hereby appointed in each and every District, shall constitute and form the Board of Education for such District.

5. *And be it further enacted*, That the Board of Education, hereby established for each and every District of this Province, shall meet on the Monday of the week, in which the Court of General Quarter Sessions for such District is to be held, in the month of July, and at the place where the said Court is to be held; and in the month of June, in such places where the Quarter Sessions is held in June, and, then and there, appoint their Chairman and transact such business as the laws of this Province authorize the present District Boards of Education to do; that three members shall be a quorum, and that such members as attend shall be entitled to ten shillings per diem, provided the number of days of attendance does not exceed three.

6. *And be it further enacted*, That so soon as the Board of Education in each District shall consider it advisable, they may, before assigning to the Teachers their annual salaries, reserve a sufficient sum for paying the boarding and tuition at the District (Grammar) School, or other Seminary, to be selected by the said District Board, of such select number of scholars from each County, not exceeding eight, as shall be chosen by such members of the District Board of Education, as shall have been appointed in the different Townships of each County.

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* See remarks, in regard to these Superintendents of Township Schools, on page 43 of this Volume.

7. *And be it further enacted*, That so soon as the Board of Education, in each and every District in this Province, shall find that the state of their funds will admit of it, they may set aside sufficient sum to pay the boarding, tuition and wearing apparel expenses of one, or more, select student, or students, his or their studies, in the higher Seminaries of learning, such student, or students, to be chosen by such members of the District Board of Education as are appointed by such County.

8. *And be it further enacted*, That no student either to a District (Grammar) School, or to any other Seminary of learning, shall be recalled in a shorter period than three years, unless such Members of the District Board of Education as reside in the County, from which such student shall have been sent, will unanimously agree upon such recall.

9. *And be it further enacted*, That the Board of Education in each and every District, shall, at its meeting in the months of June and July in each year, appoint a time and place in each County, where all School Masters of such County shall attend, to be publicly examined by the Master of the District (Grammar) School, aided by such Members of the Board of Education as reside in such County.*

10. *And be it further enacted*, That the Board of Education for each and every District may cause its Clerk to acquaint the School Masters, at least six months previous to examination, of the time and place where such examination will be held, and the particular branches of Education, for which Prizes shall be awarded to them.

11. *And be it further enacted*, That the Teacher who shall be declared to have gained the first Prize, shall be entitled to one pound yearly, while teaching, over and above his regular salary; second Prize, fifteen shillings per year; third prize, ten shillings per year; the second and third Prizes shall be subject to the same condition as the first Prize.

12. *And be it further enacted*, That no Teacher of a Common School shall be entitled to any benefit from the Education Fund, who shall not have attended the County meeting for the examination of School Masters, unless prevented by sickness, to be certified by one of the Trustees of the Common School for which he is the Teacher.

13. *And be it further enacted*, That the Master of the District (Grammar) School, and such Members of the District Board of Education, as have attended the County Examination of School Masters, shall be entitled to ten shillings each for every day necessarily employed in the said examination, provided the term of examination does not exceed three days for any one County.

14. *And be it further enacted*, That for the maintenance and encouragement of Education in this Province, there shall be established a Fund, to be entitled the "Education Fund," which said Fund shall, *firstly*, consist of such sum or sums, as the Legislature shall deem fit to appropriate for the same, from the revenues of the Province; *secondly*, of the interest of the proceeds of the sale of the School Lands, and all interest accruing from the proceeds of all other sales of lands appropriated to Education; and *thirdly*, all such moneys as may be available from the leasing of land for the purposes of Education.

15. *And be it further enacted*, That all sums of money already paid into the hands of the Receiver-General of this Province, or which shall hereafter be paid to him, as the proceeds of land sold to promote Education, shall, by him, be invested in the purchase of any Government Debentures authorized by any Act of the Parliament of this Province, and that the interest, payable upon such debentures, shall continue to be charged to the general revenue of this Province, and shall be annually placed to the credit of the Education Fund, which, by the Fourteenth Section of this Act, is created.

* This County Tribunal for the examination of Common School Teachers was the forerunner of the County Board of Examiners of Teachers, authorized by the Public School Act of 1850, section 28, and that of 1871, section 11.

16. *And be it further enacted*, That, in aid of the present appropriation for the support of Common Schools in each and every District of this Province, there shall be granted to His Majesty annually the sum of twelve thousand pounds (£12,000) to be distributed among the several Districts of the Province, in the manner hereinafter provided, out of any moneys which are now raised and levied by the authority of Parliament, to and for the uses of this Province.

17. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Province in each and every year, according to the last preceding census of the population of the Province, to apportion the money already granted by the Legislature, or which shall hereafter be granted, among the several Districts, together with such further sums of money as may be afforded from the Education Fund.

18. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Province, on or before the fifteenth of June in each and every year to cause to be transmitted to the Clerk of the Board of Education in each and every District, a copy of such Warrant as he shall have issued in favour of the Treasurer of such District, for the payment of the portion assigned to such District out of the Education Fund.

19. *And be it further enacted*, That it shall be the duty of the Chairman of the Board of Education for each and every District of this Province, to report the state of the District Common Schools to the Governor, Lieutenant-Governor, or Person administering the Government, that the same may be laid before the Legislature at its first meeting thereafter, for their inspection: and that the Chairman shall be entitled to ten shillings per diem, for every day necessarily employed in preparing such Report, provided that such time does not exceed five days.

20. *And be it further enacted*, That it shall and may be lawful to, and for, the Board of Education in each and every District, to allow to the Clerks of their respective Boards, in addition to the sum they are now by law authorized to receive, the further sum of five pounds (£5) annually.

21. *And be it further enacted*, That the said sum of twelve thousand pounds (£12,000) annually shall be paid by the Receiver-General of the Province, in discharge of such Warrant as may for that purpose be issued by the Governor, Lieutenant-Governor, or Person administering the Government of this Province for the time being, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

22. *And be it further enacted*, That this Act shall not go into operation until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty-six (1836).

This Bill passed the Commons House of Assembly, on the 31st day of March, 1835.

M. S. BIDWELL, *Speaker.*

April 19th, 1836.—The Honourable John Macaulay, from the Select Committee to whom was referred the Bill intituled: "An Act for the Better Regulation of Common Schools within this Province, and making Further Provisions for the same," presented their Report. It was ordered that the Report be received; and the same was then read by the Clerk as follows:

To the Honourable the Legislative Council:

Your Committee, to whom was referred the Bill sent up by the Commons House of Assembly, for the establishment of Common Schools, respectfully report:

That at this advanced period of the Session it was found impossible to give the principle and details of the proposed measure that consideration which their importance demands; nevertheless, from tolerably accurate inspection, your Committee arrived at the conclusion, that the change proposed goes too far, and the machinery by which the provisions of the Bill are to be carried into operation, appear much too complicated for our scattered population.

The measure was to be nearly, if not altogether, a transcript of the School Law now in operation in the neighbouring State of New York, and requires an appropriation to give it full efficacy, which the state of the Provincial Revenue cannot afford.

Without entering into a particular examination of the details, your Committee are of opinion, that the present law for the establishment of Common Schools might be so modified and amended, as better to meet the wants of the Colony, and, at the same time be more in accordance with the principles of our free Constitution, were provisions made for the subdivision of Townships into School Districts, for establishing the School Houses on permanent sites, with a residence and garden for a Teacher, provision for the education of poor children, and an assessment levied upon each District in support of the Schools within the same, equal to the allowance given by Government;* nothing more seems to be required.

Such alterations and additions, grafted on the present law, would make it a useful measure, and it would retain the advantage of being familiarly known to the people, for twenty years, as the improvements suggested do not render it in any degree more complex.

Had the time permitted, your Committee might have attempted to report a Bill in accordance with their views, but it must now be postponed till next Session.

All of which is respectfully submitted.

LEGISLATIVE COUNCIL COMMITTEE ROOM,
19th day of April, 1836.

JOHN MACAULAY,
Chairman.

REPORT OF THE LEGISLATIVE COUNCIL ON THE ALLEGED REJECTED BILLS FROM THE HOUSE OF ASSEMBLY.

The Honourable William Morris, from the Select Committee appointed to prepare an Address to His Majesty, founded on the Report of a Select Committee of this House, relative to a certain complaint preferred to the King by the House of Assembly, respecting the rejection by the Legislative Council of various bills, reported a draft thereof, which he read in his place.

On motion, made and seconded, it was ordered that an Address be presented to His Excellency the Lieutenant-Governor, respectfully requesting him to be pleased to cause the Address of this House to the King, to be laid at the foot of the Throne; it was also ordered that the Honourable Messieurs William Morris and Philip Vankoughnet, be appointed a Committee to draft an Address for that purpose, and to present the same. The following is the report:

To the Honourable the Legislative Council:

The Select Committee to whom was referred, . . . with instructions to report thereon, the subject matter of an Address to His Majesty, passed by the House of Assembly in the last Session, (1835), complaining of the rejection of certain Bills by the Legislative Council, beg leave to report:

* Here again the principle of free Schools is asserted and advocated.

. . . The Address of the House of Assembly represents that their exertions in a long and arduous Session were rendered unavailing, with respect to various objects of great interest, by the Legislative Council having rejected their Bills;

By turning to the Journals of the two Houses, it will be seen that of eighty-five Bills passed by the House of Assembly in 1835, the Legislative Council discussed and decided upon eighty-one,—adopting, rejecting, or amending them, after consideration and debate; the four which were not thus disposed of having probably not been four hours in possession of the Council, (before prorogation).

On the other hand, of ten Bills passed by the Legislative Council and sent to the House of Assembly, six received no notice whatever, and were neither discussed nor moved in; two were rejected, and two passed.

Of the eighty-five Bills sent to the Legislative Council, forty-six came up within the last fourteen days of the Session; while of the ten Bills sent down from the Legislative Council, there was not one that was not twenty-eight days in the possession of the House of Assembly.

The resources of the Crown and of the Province have been appropriated with great liberality towards the supporting an University, a College, a Grammar School in each one of the twelve Districts, and numerous Common Schools in the several Townships—all these are amenable to public regulation.

If the Legislature could devote to Education ten times the amount they now apply, it would be happy for the country, but it is to be presumed that they would always think it proper to dispense their aid through the regular channels, and that public superintendence and assistance would go together.

This Bill would have commenced a new system, of which the end could not be foreseen.

The exertion made to erect and maintain these two Schools or Academies, was creditable to the founders; but any number of persons making similar exertions would have the same right to expect similar grants. These would all diminish the ability of the Legislature to promote Education systematically; and if any such applications should be refused, the rejection might be ascribed to religious prejudice, or to local preferences, or to other causes tending to excite jealousies and suspicions; and cases might indeed arise when it would be proper to refuse a public grant, but when the refusal must nevertheless seem ungracious, and might give rise to misconstruction and ill-will.

LEGISLATIVE COUNCIL COMMITTEE ROOM,
18th April, 1836.

WILLIAM ALLAN,
Chairman.

SPECIAL SCHOOL REPORT AND DRAFT OF COMMON SCHOOL BILL BY DOCTOR CHARLES DUNCOMBE, 1836.

April 10th, 1835.—On motion, it was

Resolved, That there be granted to His Majesty the sum of one hundred and fifty pounds (£150) to pay the expense that three Commissioners may be put to, in obtaining information respecting the system and management of Schools and Colleges . . . and to report to this House the result of their labour and investigation at its next Session; and that Doctors Charles Duncombe, Thomas D. Morrison and William Bruce, be Commissioners for the said purpose. . . .

February 25th, 1836.—Mr. Speaker reported that he had received from the Commissioners appointed by a Resolution of the House at the last Session (on the

10th of April, 1835, for collecting certain information, two letters, and a Report on the subject of Education. The Letters were read as follows:

To the Honourable Marshall S. Bidwell, Speaker of the House of Assembly:

Doctors Duncombe, Morrison and Bruce, being by a Resolution of the Honourable the House of Assembly (on the 10th of April, 1835) appointed Commissioners to inquire into and obtain information in regard to "the system and management of Schools and Colleges," in order to report fully upon the systems of Education pursued in the United States, one of our Commission, Doctor Charles Duncombe, was requested, and authorized, to visit that Country, acquire a knowledge of the subject, and report thereon.

That gentleman has done so to our most entire satisfaction; and we have the honour herewith to hand you the result of his arduous labours and minute enquiries in the Documents now presented, videlicet: a Report upon Education, accompanied by a Bill for the Regulation of Common Schools in this Province; this being our second Report.

T. D. MORRISON,
WILLIAM BRUCE,
Commissioners.

HOUSE OF ASSEMBLY, 24th of February, 1836.

To Doctors Morrison and Bruce, Commissioners for obtaining Information upon certain School subjects.

I have herewith the honour of submitting for your consideration and for the consideration of the Honourable the House of Assembly, the annexed Report upon the subject of Education, together with a Bill upon, and for the regulation of, Common Schools in this Province—it being my second report. All of which is most respectfully submitted.

TORONTO, 24th February, 1836. CHARLES DUNCOMBE.

Although this Report is a voluminous document, it is a most discursive one; and, in the many important matters to which it refers, is somewhat theoretical. Its facts are taken chiefly at second hand, and may, therefore, be considered the less reliable. A more minute enquiry (had time permitted) would have established these facts, and the inferences from them would have rested upon a more solid foundation.

It must not be supposed that Doctor Duncombe undertook the duty of investigating the educational systems of the States in the Union, which he visited, as a mere educational novice. The contrary was the case; for he had, for some years, taken an active part in the many discussions on the subject in the House of Assembly, and had also assisted in the preparation of the valuable reports on Education, which had been laid before the House by the Select Committees on Education in the years 1831-1836, during which he was a Member of that House.

The range of Doctor Duncombe's inquiry extended to "the Eastern, Middle, Western and some of the Southern States." He was also aided "by Books, Pamphlets and Reports, collected or made by authority of the different Legislatures of the States"; of these, free use was made by Doctor Duncombe in his Report, and from them, as he says, he "made the most lengthy and important extracts" as well as from the "Reports of the School Committees of the Eastern, Middle and Western States, especially the cities of Boston, New York, Albany, Philadelphia, Baltimore and Cincinnati," etcetera.

The following is a copy of this report on Education prepared by Doctor Charles Duncombe, and submitted to the House of Assembly on the 25th of February, 1836:

To the Honourable the Commissioners, Doctors Morrison and Bruce, etcetera:

In obedience to your instructions to me at our meeting at the close of the last Session of Parliament, I proceeded immediately to the United States, to make observations and collect information in the best manner I could, upon the various subjects which this Special Committee had been required to investigate, but feeling the importance, if not the absolute necessity, of combining practical skill with extensive and critical observation upon the great variety of subjects entrusted to my care, I obtained introductions to the Governors and Heads of the Departments in many of the States, and at Washington, to whom I feel myself in duty bound to acknowledge the great obligations I am under to them for their liberal indulgence and kind attendance to my numerous enquiries, for the zeal and philanthropy with which they communicated their own ideas upon the subjects of their particular Departments, and furnished me with letters and references to men of science and to reports and recent publications upon those subjects respectively. Their names deserve to be recorded and their memories to live in the affections of a grateful public—but the immensity of the numbers of those persons who have aided my inquiries precludes the possibility of my even naming them; and from the variety and multiplicity of subjects to which my attention was directed by the Resolution of the Honourable the House of Assembly at its last Session, and by your Resolution honouring me with the situation of Acting Commissioner for procuring information upon certain subjects, I have been unable, as the importance of the subject of Education required, to condense and digest the information placed within my reach by the heads of Departments and officers of the Literary Institutions which I visited during my journeying in the Western, Middle, Eastern, and some of the Southern States, where every opportunity was afforded me for accomplishing my object, by the many valuable industrious labourers in the cause of Science and Literature who aided me in my inquiries as well as by their opinions, freely expressed upon the Literary Institutions of foreign Countries, where many of them had studied, and the honours of which had long been their boast, as by the progress of the same Sciences and Arts in America, under their own immediate superintendence, as also by books, pamphlets, and reports collected or made by authority of the different Legislatures of the States, by the different Literary Institutions, or by the philanthropy and enterprise of individuals, generally made by practical men, and after long and careful investigations, both in Europe and America, of the subjects upon which they have practically treated, especially where popular Education has been made the subject of legislation.

In this report I have made free use of the information contained in the written and printed documents placed at my disposal, as well as the verbal information afforded me by those gentlemen who have so materially aided me in my pursuits. Upon this point I feel the obligations I am under to many gentlemen in various parts of the Union, and had commenced my report with an account of the information derived from the Reverend Mr. Peers, who had by the authority of the State of Kentucky, travelled, examined, and reported upon the subject of Education in several other States, to the Legislature of Kentucky, and by expressing my gratitude to Lieutenant-Governor Morehead, acting Governor of the State, for the philanthropy, zeal, and intelligence with which he freely communicated to me the information I desired upon this and many other subjects connected with my inquiries; as well as to Professors Dudley and Caldwell, of the Transylvanian University, but I found my report would have necessarily extended to an unpardonable length, so as never to have been read; and thereby the object for which this information was desired would have been defeated; I find myself therefore compelled to make such extracts from all the pages and other sources of information as have been placed within my reach, as in my humble judgment would best conduce to the object designed—that of placing before the Honourable the House of Assembly, in as condensed

a form as possible, the present state of the Literary Institutions most worthy of our imitation both in Europe and America.

In doing this I shall endeavour to be as concise as possible, using the opinions and even language of other men where they express my views of the subjects upon which they treat: the books, reports and addresses from which I have made the most lengthy and important extracts, are the reports and addresses made by the Officers and Members of Yale College—of the Common School Committees' Reports of most of the Western, Middle, and Eastern States, especially the Cities of Boston, New York, Albany, Philadelphia, Baltimore and Cincinnati, as well as from their reports and proceedings upon the subject of their Infant Schools, City Free Schools, Grammar Schools, Literary Institutes, Eclectic Institutes, and High Schools, as well as Monatorial Schools, Lancaster Schools, Manual Labour Schools, Primary Schools, and Writing Schools, among which the regulations of the School Committee of Boston are worthy of some particular notice—an Essay upon Female Education by Catharine E. Beecher, written at the request of the American Lyceum, New York—an Address proposing a plan of Female Education, by Mrs. Willard, of the long established and highly respectable Female Seminary of the City of Troy, in the State of New York—a Report from the Reverend R. O. Peers, of Louisville, which was well worthy to have been copied had the limits of my Report admitted it, as well as his Prospectus of the Eclectic Institute established by him at Lexington, and carried into successful operation—Doctor Fisk's Inaugural Address, delivered at the opening of the Wesleyan University, upon the Science of Education, in Middletown, Connecticut—an Address of the Trustees of the New England Institution for the Education of the Blind—Doctor Drake's Discourse on the character and prospects of the West, delivered to the Union Literary Society of Miami University, Oxford, Ohio, at their ninth anniversary, 23rd September, 1834—Journal of the proceedings of a Convention of Physicians of Ohio, held in the City of Columbus in 1835—Debates in the Assembly of the State of New York, May, 1835, on the Bill relative to the rights and competency of witnesses, and an Address on the vice of gambling, delivered to the Medical Pupils of Transylvania University, in 1834, by Professor Charles Caldwell, M.D. Report of the Committee on Education to the Legislature of Kentucky. Thoughts on the spirit of improvement, the selection of its object, and its proper direction, being an Address delivered, 1835, to the Agatherian and Erosophian Societies of Nashville University, Tennessee, by Professor Charles Caldwell, M.D. Daniel Drake, M.D., discourse on the Philosophy of Discipline in Families, Schools and Colleges, delivered before the Western Institute and College of Professional Teachers, in Cincinnati, Ohio. Inaugural Addresses delivered at the opening of Morrison College, Lexington, by the Rev. B. O. Peers, President of the University. Four annual Reports of the proceedings of the Western Institute and College of Professional Teachers, in Cincinnati. The annual reports of the Dayton and other Academic and Manual Labour Institutions. The Reverend Mr. Marshall's observations upon Literature and Science. Report of the Regents of the University of the State of New York, on the Education of Common School Teachers, Albany, 1835. Report to the House of Representatives by the Committee on Education, 1835. Digest of the Laws and Rules of exercise and discipline in Renselaer Institute. The Laws of several States of the Union upon the subject of Education. Report on the state of Public Institutions in Prussia, addressed to the Count de Montalivet, Peer of France, Minister of Public Instruction and Ecclesiastical Affairs by M. Victor Cousin, Peer of France, Councillor of State, Professor of Philosophy, Member of the Institute and of the Royal Council of Public Instruction, translated by Sarah Austin. Practical Education, by Maria Edgeworth and Richard Lebel Edgeworth, F.R.S. and M.R.I.A. The Schoolmaster's Friend, with the Committeeman's Guide, containing suggestions on Common Education, modes of teaching and governing, by Theodore Dwight, jr. Doctor Drake's edition for 1835 of the transactions of the Western College of Professional Teachers. Thoughts on Physical Education, being a discourse delivered to a Convention of Teachers at Lexington, by Charles Caldwell, M.D. A view of the elementary principles of Education, founded on the study of the nature of man, by G. Spurzhiem, M.D., of the Univer-

sities of Vienna and Paris, and Licentiate of the Royal College of Physicians in London. The introductory discourse, and the Lectures delivered before the American Institute of Instruction in Boston, 1834. The District School, by J. Orville Taylor. Discourses and Addresses on the subject of American History, Arts and Literature, by Julian C. Verplank. Journal of the proceedings of a Convention of Literary and Scientific gentlemen, held in the Common Council Chamber in the city of New York; together with occasional references to and extracts from the common standard works upon the subject of Education.

The first principles of the system recommended in this Report with regard to Common Schools, Schools for the education of the poorer classes, and for the education of Teachers of the Normal Schools, made their appearance almst simultaneously in Great Britain and on the Continent, as appears by the voluminous reports of Lord Brougham, (copies of which have been politely furnished me by Lord Glenelg,) and by Mr. Dick's very able and splendid report upon the Common Schools in some parts of Scotland, and by M. Cousin's reports of the Schools in Prussia and Germany, and Bulver's observations upon Education as a prevention of crime in France, so that when Lord Broughan declared that "the Schoolmaster was abroad," the remark applied with equal truth to some parts of the Continent, and to Scotland as to England. The glimmering of this beacon light was soon seen across the ocean, and lighted up a similar flame in the United States; Commissioner after Commissioner was sent to Scotland and to England by the authority of their State Legislature, to light their lamps at the fountain of Science, that the whole Continent of America might be ignited by the flame. In all free Governments the welfare and safety of the Government depend upon the national character of the inhabitants, and that national character depends upon their National Education. In the United States, where they devote much time and expense towards the promotion of Literature, they are equally destitute of a system of National Education with ourselves, and although by their greater exertion to import the improvements made in Great Britain and on the Continent, and their numerous attempts at systematizing these modern modes of Education, so as to lay the foundation for a future perfect system of Education adapted to the Institutions of that country, they have placed themselves in advance of us in their Common School System, yet after all their Schools seemed to me to be good Schools upon bad or imperfect systems; they seem groping in the dark, no instruction in the past to guide the future, no beacon light, no council of wise men to guide them more than we have, upon the subject of Common Schools; our Schools want in character, they want respectability, they want permanency in their character and in their support, their funds should be sufficient to interest all classes of the community in endeavouring to avail themselves of them; but whatever the amount should be, it should not be subject to any contingency, as an annual vote of the Legislature; it should be so arranged that all the inhabitants should contribute something towards its continuance, and all those who are benefited directly by it should pay, in proportion to such benefit, a small sum, but quite enough to interest them in the prudent expenditure of their share of the School moneys. I hardly know whether I ought not to apologize to you and to the House of Assembly for the length to which this Report is necessarily extended; if it is thought by any that such an apology is required, I refer them to the importance of the subject as a certain, and I trust to all "lovers of learning," as a satisfactory apology. But this I do know, I ought to explain why this Report is so imperfect and defective. It has been principally prepared and drawn up at unseasonable hours, while the whole of the busy nation were at rest, during the constant hurry and extreme pressure of an immense accumulation of unprecedented important Parliamentary business, while I was required to prepare reports upon various other important subjects, as the Lunatic Asylum, Penitentiaries, Prisons, and Prison Discipline, Banks and Currency, and Commerce. I am aware that the subject of this Report is one of hackneyed discussion. The Science of Education. Nevertheless, the improvements of the present age in this science, and the increased conviction of the paramount importance, as a correlate to others, give it something of the character of novelty; as an old

mine which had been supposed to be nearly exhausted, suddenly discloses a new vein, richer and purer than any before, so this old subject may present new and promising aspects, and offer up fresh and rich veins of thought and experiment. Such indeed is the interest now excited on this subject as to move the whole literary world. The spirit of reform is abroad, and is reconnoitring the whole field of operation with a vigilance and an energy that declares unequivocally, "something must and shall be done." Nay, this work is already commenced, and, as Lord Brougham declares, "the Schoolmaster is abroad." Scotland has taken the lead, England is not far behind, Germany, Prussia, and France follow close in their wake, and enterprising, industrious, ambitious America has launched her pinnace to contest for the palm with the Old World, and in the United States important improvements have been introduced into the different grades of Literary Institutions. As antiquity is not always perfection, so innovation is not always improvement. While, therefore, we ought to be wholly uninfluenced by unprofitable traditions, however ancient and authoritative, we ought also to be equally guarded against doubtful and hazardous experiments, however specious and imposing.

Education should be directed in reference to two objects: the good of the individual educated, and the good of the world. The course to promote both objects, it is acknowledged, is nearly, if not quite, the same; but as men are too disposed to consider their own a separate interest, and are prompted by selfishness to act in exclusive reference to that interest, the only safe course is to provide for the Education of youth in direct reference to the wants of the world. Thus every desirable object will be secured; for although a fatal error may result from consulting only what appears to the interest of the individual himself, yet he cannot be educated wrong for any of the purposes of life who is judiciously educated in reference to the public good. Hence, in establishing a system of Education, reference should be had chiefly to the condition and general interests of the great family of man; and next in importance is fixing upon that system and those principles of organization which are best adapted to the capacities of those who are to be taught, and the materials which it will be able to command in its operations, as Teachers and assistants, should be carefully noted. Then, having the proposed system, and the means of accomplishing it, in full view, aided by the light of past and existing experiment, it will be less difficult to introduce and establish the inductive system of Education in this Province than it has been in any other part of the civilized world where it has been attempted.

I have said that in establishing Literary Institutions, reference should be had chiefly to the condition and interests of the world. This, it is true, is rather a principle of Christianity than of worldly policy. It is founded, however, on the true Philosophy of our being, and is as much a dictate of individual as of general interest. It is obviously the leading principle on which every Christian Community should act. The world has had its infancy, its gradual development of character, its different stages of improvement in the Arts and Sciences, and its great variations in Political Governments and National Ascendancies. Neither have these changes themselves been uniform, nor always for the better. Instead of a regular advancement of light, "shining more and more unto the perfect day," there has been an alternation, if not of night and day, at least of comparative light and darkness. It needs but a single attention to the subject to see that these changes and varieties must require a corresponding modification not only in the system of Education, but also in the modes and means of Instruction, and also in the course and character of the studies pursued. We must look, then, upon the world as it now is, and not as it has been. No Philanthropist engaged in an enterprise of permanent interest to future generations, is qualified for his work unless he can make accurate calculations for the future as well as for the present. In many respects the present condition and future prospects of the world differ from all its past history. And here I will notice, first, the extensive and increasing intercourse which is maintained between different and distant parts of the earth. This is owing chiefly to the interests of commerce; and is one instance out of many in which the spirit of enterprise for gain and individual wealth is subservient to the great interests of humanity. The

merchant, aided by the great improvements in navigation, and other facilities of intercourse, penetrates every sea, bay and harbour, and visits almost every clime. With him he takes, at a comparative small expense, travellers of all descriptions; adventurers, men of leisure, and of wealth; as also Philosophers and men of Science, who note the Laws, and Character, and Literature of the people, and the Geography and Natural History of the Country. From these and other causes, the principal parts of the world are frequented by foreigners. In this way intelligence is communicated readily and constantly, and those who are separated from us by half the circumference of the globe become, as it were, our neighbours, and dwell among us. We thus acquire a common bond of interest, by which the different and distant nations are connected together. In consequence of some of almost every nation having visited foreign countries, in consequence of the dispersion of friends and acquaintances for the purposes of commerce, and other objects, in consequence of the investment of property abroad, and from various other causes, numerous connecting links bind distant nations together by a strong association. Thus local prejudices are subsiding, the improvements of one nation are becoming the property of all, and the strong national barriers which have so long retarded the progress of civilization and improvement are fast melting down. This bond of union is greatly strengthened by the interests of commerce, for by commerce a mutual check is laid upon the encroachments of nations on each other; and thus a ground of national, as well as of individual intercourse, is formed, and the different parts of the great human family are connected by official and national alliances. The general interests of learning and the mutual alliance of the friends of literature also greatly increase this general union. These, though scattered over the world, form a Republic of themselves, and are drawn together by cords that no distance can attenuate, and bound by connections that no varieties can sever. They all drink of the same fountains without jealousy, and climb up the same intellectual elevations without envy; for the attainments of each are the property of all. True Philosophy has in it nothing of party and caste. Its votaries sit together at the feet of their great Teacher, the God of Nature, humbly and patiently pushing the enquiry, "What is truth," and the eureka of one individual or nation rings round the earth with the rapidity of the winds, and is speedily re-echoed from every enlightened land in responsive acclamations.

The religious enterprises of the Christian Church give another striking feature to the character of the present age. The facilities of intercourse already alluded to, connected with other circumstances, have given a great impetus to these enterprises, and the influence of this religion in return adds much to the strength of those increasing ties by which different nations are bound to each other. The first principles of this Religion is to count every man a brother. It looks abroad through the earth and says, "I am debtor, both to the Greeks and Barbarians, both to the wise and unwise." Its plants of benevolence, therefore, are bounded by no national lines or distinctions. It recognizes a kingdom of a character and extent to comprehend and consolidate all other kingdoms, peoples and tongues; "a kingdom that shall never be destroyed." This kingdom is gaining strength and enlarging its operations; and wherever it goes it spreads the harmonizing influences of its own spirit.

To the preceding characteristics of the present age, we may add the peculiar state of the political world. The advancement of Political Reform; the general movement among the people in different nations to assert their rights and secure their liberties; the increasing light on these subjects, are so much the topics of daily remark and of constant poetical and rhetorical declamation, that I need here only allude to them for the sake of shewing their relation to the varied subjects before us, and for the sake of shewing that in the Political as well as in the Religious world "the fields are white already for the harvest," yea, "the harvest is great and the skilful labourers are few."

And here before we advance further let it be observed that whether we view the subject by the light of history or by the light of revelation, or whether we consider the energetic character of those principles that are now in operation, we are in every case led to the same conclusion—that the march of the principles alluded to is onward, and

if the proper means are used, will continue to be onward till the final renovation of our world.

But what has all this to do with the inductive system of Education? Much every way—Education is to be second only to Christianity itself in carrying on this work. By this system and the Education of Teachers the youthful mind is disciplined, the Arts and Sciences are improved, the world is enlightened, and above all, by this an army of faithful, intelligent, enterprising, benevolent men are trained up, and sent forth to be leaders in the great enterprises of the day. I speak not now of one profession merely. Ministers and Merchants, Lawyers and Physicians, Teachers and Statesmen, Farmers and Mechanics, Authors and Artists, all are wanted in this work, and wanted in greater abundance than can be supplied. But they should be men of suitable attainments, and of a proper mould; and these depend much, very much, upon their education.

2. It has been supposed that there are too many in the learned professions already, and that therefore there are too many who obtain a liberal education. But this opinion is founded upon two errors: One is that every liberally educated man must be above manual labour, and must therefore enter one of the learned professions; and the other is, that all who do enter those professions do it and have a right to do it from personal or family interests, and not for public good.—Whereas a liberal education ought not to unfit a man, either in his physical constitution or his feelings, for active business in any honest employment; and neither ought men who enter any of the learned professions, to excuse themselves from labour and privation for the good of the world. There is a great and pernicious error on this subject.

An education has a twofold object, namely, the perfection of the physical, intellectual, and moral powers of man, and the imparting to him a knowledge of the laws of his being. Each of these parts may be divided into general and particular. Education is general, while it regards its subject merely as a being susceptible of improvement, and capable of receiving knowledge; and particular when its instructions are imparted, to qualify the pupil for some particular station and specific duties in life. It is plain that a portion of the education of all, especially in its earliest stages, must be general; but it is equally evident that a greater portion must be particular; and this is especially true of that part of Education which consists in the imparting of knowledge. Life is so short, and man's power of acquiring and of retaining is so limited, that it would be a vain attempt to aim at making each know everything. Indeed, life is too short to master one Science, or to become perfectly acquainted with one profession; and it is therefore much too short to master all, and yet much more too short to know all that can be known, and also to do all that ought to be done. The great object which we propose and recommend in this report upon the inductive system of Education, is to remedy the defects of the present system, and prepare the rising generation for the regulation and enjoyment of Free, Civil, and Religious Institutions. We think the signs of the times and the present character of the world, demand this. Hence, now, whatever may have been the state of things heretofore, it is criminal to acquire knowledge merely for the sake of knowledge. The man must be disciplined and furnished according to the duties that lie before him.

An education should be such as to give energy and enterprise to the mind, and activity to the whole man. This depends, in part, upon the physical constitution. Hence the necessity of preserving a sound state of bodily health. To secure this, temperance and proper exercise are requisite. But what exercise is best, as part of a student's education, is still unsettled. Without stopping to discuss that point at large here, in my opinion, the best kind of gymnastics are the exercises of the field and of the shop, in some kind of useful labour. The moral as well as physical effect of such exercises is every way superior to that of others which have been introduced, to say nothing of the addition they make to the wealth of the community;—and if such exercises are objected to, because they are deemed by many as derogatory to their character, they ought so much the more to be insisted on. It was never designed that fashion and inclination

should give rules for Education, but Education ought to direct fashion, and regulate the inclination. But whatever may be the mode of doing it, the strictest attention ought to be paid to the health of the student. This alone, however, will not be sufficient; the mind also should be cultivated in direct reference to the object of making the pupil a man of enterprise and activity. Everything that is calculated to call forth such a spirit should be cherished, and everything which discourages it should be discountenanced. The student cannot be too much impressed with the idea that to be a mere man of letters is not the way to be the most useful man. We want men who will take the field, and whose souls are fired with a zeal for active duties in the service of the world.

Closely allied to this spirit of enterprise, and eminently productive of it, are the principle and habit of self-dependence which should imbue the minds of youth at an early age. Nothing is more important in the formation of an enterprising character than to let the youth early learn his own powers; and in order to do this he must be put upon his own resources, and must understand if he is ever anything he must make himself, and that he has within himself all the means for his own advancement. It is not desirable, therefore, that Institutions should be so richly endowed as to furnish the means of Education free of expense to those who are of an age to help themselves; nor is it desirable that any man or any Society of men should furnish an entirely gratuitous education to the youth of this Province. All the necessary advantages for educating himself ought to be put within the reach of the young man, and if with these advantages, he cannot do much towards it, he is not worthy of an education. If it be said that self-support, in part or in whole, is a tax upon time and a great drawback upon the student's acquirements, I answer that in the general, facts shew that such students are in advance of others in knowledge as well as in enterprise; and if they were not, still it is better that they should know less and do more, than that they should know more and do less.

The course above recommended will aid also in forming another trait of character and habit of life which is very important in this miscellaneous and changing world: I mean a facility in passing from one employment to another, and a ready adaptation of feeling to the various duties and changing circumstances of life. The intellectual and corporeal habits of most men are too inflexible, and the transition from one train of thought and from one class of exercises to another, altogether too difficult. They can move in straight lines, and in their old courses, to some purpose, but change their direction and employments, and they become almost useless to the community and to themselves. The amount of public and private loss sustained in this way is very great, and also very unnecessary. In most of these cases the mind might have been so trained that like a ship in good trim it would answer to its helm, and adjust itself to its circumstances, however variable the winds and the currents in the stormy sea of life.

But of all the effects to be produced upon the mind by a proper course of training, nothing is more important than the spirit of benevolence, of an enlightened and universal philanthropy. Without the aid of Education, even Religion itself seems hardly sufficient to make a thorough and an enlightened philanthropist. Hence if all the world would now be brought to possess a truly devotional character, they still might not have those enlightened principles of benevolence which are necessary for the general happiness of the world. The truth is, from the first dawning of reason to its maturity, mankind are trained each to look on his own things, and not on the things of another. The lessons of the nursery, the general course of Domestic Training, the policy of Common Schools, and the rewards and honors of the Colleges, all tend to beget and foster a criminal selfishness. The Education which leads to such a state of society is radically defective. Is there no way by which this selfish bias of the heart can be lessened, if not prevented? Far be it from me to teach that we are to be indifferent to our own interest. This is a kind of benevolence which may look well in theory, but it exists nowhere else, either in Heaven or on Earth; either in the bosom of Deity, or in the breast of His holiest creatures. Benevolence, therefore, should be incorporated into every System of Education, not as a separate and an independent Science, but as the seasoning of all and the final cause of all attainments.

In noticing the tone and character which are to be imparted to the mind by the hand of Education, I have purposely omitted all those principles which are the most commonly insisted on in training the young student, and have touched on those only which are less frequently urged, and which seem, nevertheless, of vital importance to the accomplishment of the proposed object—educating men for the good of the world.

My views on the importance of the study of the Ancient Classics are briefly these: Ancient Literature ought always to find an honourable place in our Colleges and Universities. If a knowledge of the Ancient Languages were of no other importance than to preserve the purity of the Holy Scriptures, and secure a correct translation of them into other languages, this would of itself keep these languages in credit, and make a critical study of them necessary. But such is the character of Modern Literature and of Science, that a few only need devote themselves to Ancient Literature in comparison with the many who can be better employed in other studies. Too much stress is now laid upon a knowledge of the Ancient Classics. It is still deemed heterodoxy to call any man learned who is not skilled in the Greek and Latin Languages. The tone and character of our present system of Education were formed at the revival of letters after the dark ages. But though the causes which led to the present system have passed away, yet by an unprofitable adherence to the traditions of the fathers we must have it still, that what was once necessary to constitute a scholar is sill indispensable for the same character. But the state of Literature and the character of the Sciences, are greatly changed. At the revival of letters in the fifteenth century almost all the learning in the world was locked up in two languages, then out of popular use. Hence to be a scholar it was necessary to be acquainted with Latin and Greek, and with the Roman and Grecian Literature. And indeed at that period the world had so far deteriorated from what it once was, that the only ready way to restore it to its former character was to reclaim the Literature that had been buried for ages in the archives of antiquity,—to consult the manuscripts and symbols of ancient learning, and bring forth to light the obscured and forgotten truths of ancient research and labour. It was this which made the change of that day from darkness to light so sudden and glorious. "We behold," said a learned author, speaking of those times, "a flood of noon day bursting all at once over every quarter of the horizon, and dissipating the darkness of a thousand years." The fact was, the world had not to pass through another pupilage without text-books or teachers. It had not to serve another apprenticeship without patterns or masters. In the relics of former times there were rules and patterns and instructions in abundance. As soon, therefore, as a spirit of inquiry and a thirst for knowledge were excited, a great proportion of the light of antiquity burst at once upon the world. This was the new sun that shone almost in meridian splendor at its first appearance. It had never been put out, but only obscured by the murky clouds of barbarism from the Scandinavian forests, and eclipsed by the smoke of superstition that went up from the pit of the beast and the false prophet. When this obscuration passed away, the sun of Ancient Science shone in its full orbed glory. The attainments of antiquity were soon mastered. The art of Printing, which was invented about this time, gave a ready circulation to this knowledge in all the countries where it was sought. Literature and Science were no longer foreign plants, but had become indigenous in all places where they were cultivated. Neither were the treasures of Science long locked up in the ancient and dead languages, but were spread out in the vernacular tongue of every enlightened land. Large additions also were constantly made to the original stock; and vast treasures of wisdom and knowledge have been brought to light, which the eye of antiquity never saw, which the ear of the ancients never heard, and of which indeed they had never formed any conception. Hence the fact now is, and it is a fact that cannot be denied, that there is very little left in the fields of antiquity to be explored. All that is important in Ancient Science, except what is peculiar to the languages themselves, have not only been clothed in modern dress, but have been incorporated with, and made constituent parts of modern text-books. Modern Literature, therefore, should be counted the great field of literary enterprise and study. If it be necessary that the antiquarian should still make his pilgrimage to the East, and

dig after learned hieroglyphics in the ruins of the Acropolis, and in the subterranean depositories of Herculaneum and Pompeii; or if it be necessary, as undoubtedly it is, that some should devote themselves to a critical investigation of the Ancient Languages—so let it be; but from such a tedious pilgrimage, and such an endless study the great body of students should be excused, that they may devote themselves more immediately and more effectually to the great and pressing wants of the world. It may, indeed, be proper, that most students who have an opportunity of commencing an education early, and of pursuing it without embarrassment, should obtain some general knowledge of the Greek and Latin Languages; especially as there is an age in the development of the youthful mind, in which language, perhaps, can be pursued to greater advantage than any other study;—and if at that age a good foundation can be laid for a knowledge of Etymology, of Philology in general, and for a more ready attainment of the Modern Languages, this would be advantageous to the pupil.

The proper organization of a board of instruction is a matter of great moment, and of difficult attainment. All agree that they should be united among themselves; that they should be men of learning, apt to teach, unimpeachable in their life, gentlemanly and winning in their manners, industrious in their habits, energetic and enterprising in their character, interested in their work, and faithful in the performance of their duties. But how to obtain such, how to keep them such after they are put in place, and how to get rid of them readily if they prove not to be such, are questions that have never been satisfactorily settled. After the greatest precaution, improper persons may be introduced into the board of instruction, who may change the whole system. But it is probable that more failures result from a defective organization in the tenure and emoluments of office, than from the appointment of incompetent officers.

In all Literary Institutions, should not the faculties for the time being be authorized by law to have a voice in filling vacancies in their board, or in removing an uncomfortable associate, which, however, is not generally the case in the Colleges of the United States, where the want of such a law, and the consequent evils, are daily loudly complained of.

There is no copartnership whatever that so imperiously requires union and confidence among the partners, as an association for the government and instruction of youth. And yet there are few associations even for the ordinary purposes of life, in which there is not greater precaution used to secure that union and mutual confidence, than in all Literary Seminaries that are but one advance above Common Schools. Again, when a person is elected to a seat in a College Faculty, it is generally considered to be, at his own option, an appointment for life; except in those strong cases of immorality, or dereliction of duty which will authorize formal charges and an impeachment. At any rate, under existing usages, any attempt to get rid of a President or Professor is generally attended, not only with unpleasant consequences, but with serious injury to the Institution. The effect, therefore, is as might be expected; incompetent and inefficient men often hold their offices for years, and not unfrequently for a long life, in the United States; in this way the funds of the Institution are wasted, the benevolence of its patrons is abused, the department languishes, the students not only lose their time and money, but what is incomparably worse, there is a gap in their education which is never repaired. Add to these, the reputation of the Institution itself sinks, the general literature of the country is depressed, and the world suffers an incalculable loss.

Another evil is, the salary and other rewards for the service of College officers do not depend at all, or in any adequate extent, upon the extent of the services rendered. The salary is fixed and limited. Whether the officer is energetic and enterprising, or otherwise, whether he gives good satisfaction to his pupils, and draws many to his instructions or not; whether he does all he can to elevate and sustain the character of the Institution, or leaves the whole weight and responsibility of its reputation upon others; in short, whether the Institution flourishes or declines, his income is the same and his pay is sure.

If an officer should exert himself beyond his associates, or has health or mental energies which enable him to tower above the rest, he has not only no adequate compensation for his services, but he often has the mortification of seeing others in comparative idleness living upon the credit of his labours; under such circumstances it can scarcely be expected that any great enthusiasm would be excited to keep up the credit of a College, or advance the interests of Education in the inferior Seminaries of Learning. If men are actuated by the love of Science or are impelled by pure benevolence, neither nor both of these influences can induce them to make extra exertions for the world when the merits of those exertions are consumed by their incompetent or unenterprising associates.

It is probably owing to some or all of these causes, both in England and America, that there is less enterprise in the Colleges than out of them. While the Universities of France, of Germany, and Scotland, have been contributing largely to the literary and scientific wealth of the day, what has been done for a half century in the Universities of England and America?

They have in some cases abridged, compiled, and translated, but what have they added to the original stock?—Their citizens have enterprise, but, with a few honourable exceptions, they shew it everywhere else more than in their Colleges and Universities. This is not the result of accident, there must be causes; and these causes should be removed. If what we have just been noticing be the causes, the remedy is plain. Human minds need excitements to action, and daily this is evident, not only from experience, but also from the course pursued by the all-wise Governor of the Universe, in the economy of nature, of Providence, and of grace. He has made it for the interest of man to obey his laws, and to perform painful and labourious duties. Now the perfection of philosophy is to carry out into all the departments of human life, the economy of God. In all human enterprises, therefore, we should shew our wisdom by doing as God does—make it for the interest of those employed to be vigorous and faithful—let their gifts make way for them, so that they shall receive a remuneration to themselves, and produce advantageous influences upon the community, commensurate with their talents and exertions. To be more specific in reference to the case before us: let the common schools be conducted by those who require and employ them—Let our higher Seminaries be equally free—Let our faculties have a voice in the choice of men to fill vacancies in their board—Let suitable provision be made to remove inefficient men from office;—Stated and thorough examinations of the classes should be had under the direction of an impartial Examining Committee; and the proficiency of the students should be noted in direct reference to the competency of their instructors as well as to determine the standing of students. A College corporation ought to have a committee to examine into the standing of their officers of instruction, as regularly as one to audit the accounts of their Treasurer—And to do this it is not necessary to examine these officers, their official character will be written on the mind of their pupils, and may be known and read of all men. It has been well said, that he "who cannot put his mark upon a student is not fit to have one." Examine this mark, and by its dimensions and character you will judge of the hand that made it. Let it, therefore, be well understood as a condition of office that when a Teacher's pupils are deficient he must give place to another.

That each instructor may have the credit and avails of his own labour, let his permanent salary be fixed at a bare competency for his own support, and let all beyond depend upon the general prosperity of the Institution, and especially upon the extent and success of his own labours.

These general principles, if judiciously applied in the first organization of all our Provincial Literary Institutions, would be a great improvement.

Was it not that my report is swelling in size much beyond what I intended it should have been, I should have made some remarks upon the course of study to be pursued in the various classes of Common Schools, from the infant schools, to the first class of those

schools, as well as to our High Schools, District Schools (if continued), Grammar Schools, Colleges and University, comprehending the character and order of the studies, the text-books and modes of instruction. But this would lead me into detail that would not be interesting, and, I fear, prevent the reading of what I deem important, and especially as I have already remarked upon the most important of those points, in my view of the character of the knowledge to be imparted to youth.

The Government, Classification, and Graduation of Students.

The government of a well regulated literary seminary is not a monarchy, an aristocracy, or a republic, but it is patriarchal. The nearer it approaches to this character, the more perfect it is.

Like a household, a Literary Institution should have but one head, and that head should have ability to govern, or he is unfit for his office. In this government, it is true, he ought to be assisted by the subordinate officers, but the government itself should be a unit, and receive its direction and influence from a common head.

The government of a Seminary of Learning, like a household, admits of no interference from abroad. A code of statute laws from a Board of Trustees, for the officers to execute among the students, will never be respected. Such a course, had not custom sanctioned it, would be deemed an insult to the immediate government and an outrage upon its authority. The student should feel that he is offending against his father and friend, and against the peace and prosperity of the community in which he has a common interest. Like a family, the intercourse between a student and the President and Professors should be of an affectionate and familiar character. Faculty meetings before whom the young transgressor is arraigned with all the sternness of a public prosecution on the one hand, and with all the cunning duplicity of a studied defence on the other, should be avoided.

I cannot feel justified to close my remarks on the subject of government without giving my decided testimony in favour of a moral and religious influence to aid in the government of youth. This is of paramount importance. With such an influence, government is easy; without it, good government is impossible.

On the subject of classification there has, of late, been much said, and much to the purpose; but there are still different opinions. The question in dispute is simply this: Ought scholars to be classed by the year, as they now are in most colleges; or ought they to be classed according to their advancement in their respective studies, without reference to time? The arguments in favour of the latter method, in my opinion, abundantly preponderate. Indeed, I know of no plausible argument in favour of the prevailing course, except it be the lessening of the labour of instruction. And this method was originally adopted, doubtless, not for the good of the pupil, but for the ease of his instructor. But what reason is there why College Teachers should not labour as much as others? In High Schools and Academies, as also in Primary Schools, Teachers labour six and seven hours in the day, but in Colleges not half that time, even in term time, and yet the officers have vacation one-quarter of the year! Is there any good reason for this? Let him that enters upon the care and education of youth make up his mind for responsibility and labour, and then he will be prepared to adopt a system of classification which, while it only doubles the duties of the teacher, will increase the advantages of the student tenfold.

Yes, I believe in many instances it will add to the student's advantages tenfold. He will not be obliged to hasten over his studies without knowing them, in order to keep up with his class, neither will he be retarded in his progress to accommodate the dull or the feeble. If he loses any time by sickness or necessary absence, or if for want of quickness of apprehension in any particular branch he falls in the rear of his class, he will not, as is the case in most Colleges, either lose a year for the want of a few weeks or months, or what is more common and still worse for the student, be dragged on to a disadvantage,

and carried through in name, without in fact knowing the Science. In the proposed method of classification, the arbitrary and pernicious distinctions of superior and inferior grades will also be done away; and this will have a favourable bearing in more respects than one; it will open the way for the honourable introduction of a very promising portion of youths into the College classes, who wish the advantages of the College for a course more or less extended in the Sciences and Modern Literature, to the exclusion of the classics, and who, though most of the American Colleges have of late opened their classes for their reception, have not entered them, undoubtedly because they would have to do it under circumstances of inferiority, which American youth cannot readily submit to, and this will always be the case, probably so long as the present mode of classification is kept up. But this point will be more fully elucidated in the next topic of discussion, which is—the graduation of students.

Academic degrees are signs, true or false, of certain literary and scientific attainments. But according to general usage, the first of these degrees requires a four years course in College, and, nominally at least, a knowledge of the Greek and Latin languages, and ancient literature; and the course to this degree is sub-divided into the yearly classification already alluded to. The second degree also depends upon time, without even an inquiry into the candidate's literary advancement; so that when the first degree is conferred, the second might be added at once, with the proviso that it should not take effect under three years; and all the purposes of the degree would be answered. These leading features of College and University Constitutions were adopted at Cambridge and Oxford in England at an early period in the revival of learning, and from them the patterns have been furnished for American Institutions. It would be difficult, I think, to give a satisfactory reason at any period for this annual classification, and for making a given period of years an essential qualification for this annual classification, and for making a given period of years an essential qualification for a literary degree; but there certainly was a reason, as we have shown, for making the Greek and Latin an essential part of a College course, and the same reason would require that literary degrees should be conferred on such only as understood these languages. But those reasons have passed away, and the whole system is now evidently defective. The evils are twofold: first, these degrees are often conferred on the undeserving; and secondly, they are often withheld from those who deserve them.

It is important that the world should know what to depend upon when a man presents a diploma from a Literary Institution. But it is a notorious fact that as these are now distributed they afford no satisfactory evidence that those who hold them are learned men. And is this treating the cause of Literature with respect, or the world at large with common honesty? The patrons of Learning have in this way lowered themselves and their institutions down to a reproachful level. They respect not their own literary standards and honours, and therefore the world at large will not respect them. These honours have been exposed in the market, and have been struck off, not, indeed, to the highest bidder, but to almost anyone who would reside within the College walls and pay the College bills for a given number of years. It is true if the student would get through without much study, he must be skilled in one art—that of deception and lying. One day he must be sick—another time he must mistake his lesson —then again he must oversleep himself by mistake, and the next time get a friend to write his exercise for him; and occasionally, especially when the author is treating upon a part of science easy to be understood, he must appear in recitation room and make a great display in the exhibition of what he knows. If he does not understand these arts when he enters, he soon gets this part of his education, and readily qualifies himself for a degree in all the College arts of deception and falsehood. The fact is, the youth wants the honour of a degree, and is too lazy or perhaps too dull to obtain the requisite qualifications in the given time; or his father or guardian has determined that his son or ward shall have the honours of a graduate; in either case the object of the boy will be to get on and get through without being denied his diploma. And unfortunately this is not

difficult. Time having been fixed upon as one of the principal criteria of his advancement, this at length has come to be almost the only requisite, including, perhaps, what a youth would naturally acquire by being in a literary atmosphere, and mingling with books and students. If he is a little deficient the first year, it is a pity to put him back a whole year, and therefore he is allowed to go on; and so he drags himself on, falling in the rear a little more every year, to the last; and now, although he could not, perhaps, on a fair examination, turn round and re-enter a fresh man, still, as he has gone through his years, and paid his bills, the least that can be done is to give him his degree and let him go, hence scores of uneducated graduates go forth yearly from Literary Institutions, with their diplomas signed and sealed, and their names splendidly enrolled as admitted *ad primum gradum in artibus*, in due and ancient form.

By this I do not mean that none get a good education in Colleges. The greater portion, perhaps, are well educated. I only mean that many are graduated, and have the testimonials of education, who have not the character.

On the other hand, the present principle of conferring degrees excludes from these testimonials all who have not, professedly at least, become acquainted with the Ancient Classics; whereas, if these honours are of any value, they ought to be given to the proficient in Modern Literature and in the Sciences, as well as to the classical scholar. I do not mean to say that the same degrees should be given to both classes. If the present degrees are sanctioned and consecrated for particular attainments, I have no desire to see them changed, provided they are not prostituted to confer a deceptive honour on heads "that do not know and will not learn." But I insist that public and official testimonials ought to be given to the mere English scholar. In short, let the diploma of a College tell the truth, and nothing but the truth, respecting the Literary and Scientific attainments of the graduates, so far as this can be ascertained by a thorough and critical examination, and let it be denied to none who deserve it.

The leading principles here proposed are such as appear to me to be the choice which those practical men who, from long experience and careful and critical observation, have recommended, so far as I could comprehend their views; it is true some may be startled at what may seem to them hazardous innovations of old systems, but it should be understood that these principles, though unpractised among us, are not new; most of them have been adopted and successfully practised upon by some of the most flourishing institutions in Europe; and some of them have recently been incorporated into several Collegiate Institutes in the United States, and are strenuously advocated by many of the most enlightened men in the world.

But was there ever a more auspicious period than the present for Literary reform? If I rightly understand the signs of the times, we stand upon the threshold of a new dispensation in the Science of Education, and especially in the history of Common Schools, Colleges, and Universities in this Province. The flattering prospects of our being permitted legally to dispose of the School Lands of this Province, so long dormant —the sale and appropriation of the Clergy Reserves for the purposes of Education, and above all by our having control of the other natural resources of the Province, we shall be enabled to provide respectably and permanently for the support of Literary Institutions in every part of the Province; while by remodelling the Charter of King's College so as to adapt the Institution to the present state of the Science of Education and wishes and wants of the people of this Province, and by all our own Literary Institutions being so constructed as to serve as nurseries from which the youth may be transplanted to an Institution where they may grow to maturity and spread out with the increasing improvements of the age, while at the same time they collect into a luminous focus every additional ray that emanates from the sun of Science to renovate the Tree of Knowledge.

With such charming prospects before us, with what alacrity and delight can we approach the subject of Education to make liberal, permanent, and efficient provision for the education of all of the youth of Upper Canada to cause "the blind to see, the deaf to hear, and the dumb to speak," and above all to make certain and extensive provision for

the support of Schools for Teachers and Tutoresses, and while upon the subject of "Normal Schools" I cannot too earnestly recommend the careful and attentive reading of the extracts made from the report of Victor M. Cousin upon that subject, and appended to this Report. Nor can I for the life of me comprehend why similar Schools for the education of female Teachers may not prove equally advantageous to the cause of Education and to the happiness and ornament of society. And next, to provide competent female Teachers. One of the first objects that need to be attempted in regard to female Education, is to secure some method of rendering Female Institutions permanent in their existence and efficient in perpetuating a regular and systematic course of Education. This is secured for the other sex by institutions so endowed that the death or removal of an individual does not hazard their existence or character. They continue year after year, and sometimes for ages, maintaining the same system of laws, government, and course of study. But in regard to Female Institutions, everything is ephemeral, because in most cases everything depends upon the character and enterprise of a single individual. A School may be at the height of prosperity one week, and the next week entirely extinct. Communities seem almost entirely dependent upon chance, both for the character and perpetuity of female Schools. If good Teachers stray into their bounds, they are fortunate; if poor ones, they have no remedy. Thus the character, the conduct, and the continuance of those who are so extensively to mould the character of the future wives and mothers of this Province are almost entirely removed from the control of those most deeply interested.

One method which may tend to remedy the evil is the investment of property in buildings, furniture and apparatus devoted to this object under the care of a suitable corporate body. It thus becomes the business of certain responsible men that the property thus invested shall secure the object for which it has been bestowed. But this method alone will not avail, for though the probabilities are greater that endowed institutions will be well sustained, it is often found that they do fail in securing a systematic and perpetuated plan of Education. There needs to be added a well devised plan of government and course of study, together with that division of labour existing in Colleges which secures several able instructors to the same institution, and in such a way that the removal of any one teacher does not interrupt the regular system of the Institution.

That this can be accomplished in regard to Female Institutions as well as those for the other sex, is no longer problematical, for it has already been done; and what has been done can be done again. One Female Institution, at least, can be referred to in which a regular system of government and instruction has been carried on for a course of years, until an adequate number of Teachers and pupils have been fitted to perpetuate the system, so that as one Teacher after another was called away, others were prepared to take their places; and thus the whole number of Teachers, from the Principal to the lowest monitor, has been repeatedly changed, and yet the same system and course of study have been preserved, while there is as fair a prospect of future perpetuity as is afforded by most Colleges.

Another object to be aimed at in regard to Female Education is a remedy for the desultory, irregular, and very superficial course of education now so common in all parts of our Province, and, I may add, in the neighbouring country. When young men are sent to obtain a good education, there is some standard of judging of their attainments, there are some data for determining what has been accomplished. But in regard to females, they are sent first to one school and then to another; they attend a short time to one set of studies and then to another; while everything is desultory, unsystematic and superficial. Their course of study is varied to suit the notions of parents, or the whims of children, or the convenience of Teachers; and if a young lady secures a regular and thorough course of education, it is owing either to the uncommonly good sense and efforts of parents, or to the rare occurrence of finding Teachers sufficiently stationary and persevering to effect it.

The remedy for this evil (in addition to what is suggested in previous remarks) is to be sought in co-operating efforts among the leading Female Schools in the Province,

to establish a uniform course of Education adapted to the character and circumstances of females, to correspond with what is done in Colleges for young gentlemen. The propriety of giving titles of honour to distinguished females who complete such a course may and will be questioned. It certainly is in very bad taste, and would provoke needless ridicule and painful notoriety, except to those who propose becoming Teachers. But if the leading Female Institutions in this Province, commencing with those in this city, were to combine to establish a regular course of study which should be appropriate and complete, it would prove an honour and advantage to young ladies to have it known that their education was thus secured; and it would also prove an advantage to the Schools, as they would thus gain the reputation of sending out uniformly well educated pupils—other Schools would gradually adopt the same plan, and thus the evils alluded to will, to a great extent, be remedied. These measures would have the same effect on Female Education as Medical and Theological Schools have upon those professions—they tend to elevate and purify, although they cannot succeed in banishing all stupidity and empiricism.

Another object to be aimed at in regard to Female Education is, to introduce into Schools such a course of intellectual and moral discipline and such attention to mental and personal habits as shall have a decided influence in fitting a woman for her peculiar duties. What is the most important and peculiar duty of the female sex? It is the physical, intellectual and moral education of children. It is the care of the health and the formation of the character of the future citizen.

Woman, whatever are her relations in life, is necessarily the guardian of the nursery, the companion of childhood, and the constant model of imitation. It is her hand that first stamps impressions on the immortal spirit that must remain forever,—and what demands such discretion—such energy—such patience, such tenderness, love and wisdom such perspicuity to discern—such versatility to modify—such efficiency to execute—such firmness to persevere, as the government and education of all the various characters and tempers that they meet in the nursery and school room. Woman also is the presiding genius who must regulate all those thousand minutiæ of domestic business that demand habits of industry, order, neatness, punctuality, and constant care. And it is for such varied duties that woman is to be trained. For this her warm sympathies, her lively imaginations, her ready inventions, her quick perceptions, all need to be cherished and improved; while at the same time those more foreign habits of patient attention, calm judgment, steady efficiency, and habitual self-control, must be induced and sustained.

Is a weak, undisciplined, unregulated mind fitted to encounter the responsibility, weariness and watching of the nursery—to bear the incessant care and perplexity of governing young children—to accommodate with kindness and patience to the peculiarities and frailties of a husband—to control the indolence, waywardness and neglect of servants, and to regulate all the variety of domestic cares? The superficial accomplishments of former periods were of little avail to fit a woman for such arduous duties, and for this reason it is that as society has advanced in all other improvements the course of Female Education has been gradually changing, and some portion of that mental discipline once exclusively reserved for the other sex, is beginning to exert its invigorating influence on the female character both in England and America. At the same time the taste of the age is altered; and instead of the fainting, weeping, vapid, pretty plaything, once the model of female loveliness, those qualities of the head and heart that best qualify a woman for her duties, are demanded and admired.

None will deny the importance of having females properly fitted for their peculiar duties; and yet few are aware how much influence a Teacher may exert in accomplishing this object. School is generally considered as a place where children are sent, not to form their habits, opinions and character, but simply to learn from books, and yet whatever may be the opinion of Teachers and parents, children do to a very great extent form their character under influences bearing upon them at School. They are proverbially creatures of imitation and accessible to powerful influences. Six hours every day spent with Teachers whom they usually love and respect, and whose sentiments and

opinions in one way or other they constantly discover, they are at the same time associated with companions of all varieties of temper, character and habit. Is it possible that this can exist without involving constant and powerful influences either good or bad? The simple fact that a Teacher succeeds in making a child habitually accurate and thorough in all the lessons of School, may induce mental habits that will have a controlling influence through life. If the government of Schools be so administered as to induce habits of cheerfulness and implicit obedience; if punctuality, neatness, and order in all School employments are preserved for a course of years it must have some influence in forming useful habits. On the contrary, if a child is tolerated in disobedience and neglect, if School duties are performed in a careless, irregular and deficient manner, pernicious habits may be formed that will operate disastrously through life. It is true that mismanagement and indulgence at home may counteract all the good influences of School, and the faithful charge of parental duty may counteract, to some extent, the bad influences of School; but this does not lessen the force of these considerations.

Nor is the course of study and mental discipline of inferior consequence: the mere committing to memory of the facts contained in books is but a small portion of Education. Certain portions of time should be devoted to fitting a woman for her practical duties, such, for example, as needle work. Other pursuits are designed for the cultivation of certain mental faculties, such as attention, perseverance and accuracy. This, for example, is the influence of the study of mathematics, while the conversation and efforts of a Teacher directed to this end, may induce habits of investigation and correct reasoning, not to be secured by any other method. Other pursuits are designed to cultivate the taste and imagination, such as rhetoric, poetry, and other branches of polite literature. Some studies are fitted to form correct moral principles and strengthen religious obligations, such as mental and moral philosophy, the study of the evidences of Christianity, the study of the Bible and of collateral subjects. Other studies are designed to store the mind with useful knowledge, such for example as geography, history, and the natural sciences. The proper selection and due proportion of these various pursuits will have a decided influence in forming the mental habits and general character of the pupils.

Another important object in regard to Female Education is the provision of suitable facilities for instruction, such as are deemed indispensable for the other sex, particularly apparatus and libraries.

The branches now included in a course of Education for females of the higher circles have increased in the United States till nearly as much is attempted as, were it properly taught, is demanded of young men at College, little has been done to secure a corresponding change in regard to the necessary facilities to aid in female instruction.

To teach young men properly in chemistry, natural philosophy, and other branches of science, it is deemed necessary to furnish a Teacher for each separate branch who must be prepared by a long previous course of study, who shall devote his exclusive attention to it, and who shall be furnished with apparatus at the expense of thousands of pounds, and to aid both Teachers and pupils extensive libraries must be provided at the public expense.

But when the same branches are to be taught to females, one Teacher is considered enough to teach a dozen such sciences, and that too without any apparatus, without any qualifying process, and without any library.

If females are to have the same branches included in their education as the other sex, ought there not to be a corresponding change to provide the means for having them properly taught; or are the female sex to be complimented with the intimation that a single Teacher, without preparatory education, without apparatus, and without libraries, can teach young ladies what it requires half a dozen Teachers, fitted by a long course of study, and furnished with every facility of books and apparatus, to teach young gentlemen. It is true such extensive public endowments are not needed for females as for the other sex, because their progress in many of the sciences never needs to be so exten-

sive; but if these branches are to constitute a part of female education, is not something of this kind demanded from public munificence, that all be not left to the private purse of the Teacher, who must furnish it from slender earnings, or remain unsupplied?

But the most important deficiency, and one which is equally felt by both sexes, is the want of a system of moral and religious education at School which shall have a decided influence in forming the character, and regulating the principles and conduct of future life.

When it is asserted that it is of more consequence that women be educated to be virtuous, useful, and pious, than that they become learned and accomplished, everyone assents to the truth of the position. When it is said that it is the most important and most difficult duty of parents and teachers to form the moral character, the principles, and habits of children, no one will dissent. All allow it to be a labour demanding great watchfulness, great wisdom, and constant perseverance and care. For what comfort would parents find in the assurance that their children are intelligent, learned, and accomplished, if all is to be perverted by indolence, vice, and irreligion? and what is the benefit to society, in increasing the power of intellect and learning, if they only add to the evils of contaminating example and ruinous vice?—The necessity of virtuous intelligence in the mass of the community is peculiarly felt in a form of government like ours—a beautiful appendage to the most perfect mixed monarchy, where the people are not held in restraint by physical force, as in despotic governments, but where, if they do not voluntarily submit to the restraints of virtue and religion, they must inevitably run loose to wild misrule, anarchy, and crime. For a nation to be virtuous and religious, the females of that nation must be deeply imbued with these principles; for just as the wives and mother sink or rise in the scale of virtue, intelligence, and piety the husbands and sons will rise or fall. These positions scarce any intelligent person will deny, so that it may be set down as one of the current truisms of society that the formation of the moral and religious principles and habits is the most important part of Education, even in reference to this life alone. To this is added the profession of all who reverence Christianity, that the interests of an immortal state of being are equally suspended on the same results.

But while this is the verbal opinion of society, what is the practical opinion, as exhibited in the systems of education, particularly in Schools?

We find in all communities a body of persons set apart for the express purpose of communicating knowledge and cultivating the intellect of childhood and youth; at the same time we find both parents and Teachers uniting in the feeling that this is all that is required, and that it is not expected that they should attempt anything more. As the care of the intellect is the business given to Teachers, we find that some success always attends these efforts. However dull the child, or incompetent the Teacher, at the end of each year it will be found that every child has learned something, and that the memory at least, if no other faculty, is to some extent cultivated. Parents and School visitors find that the money employed is not spent entirely in vain, but that it does to some extent secure the object for which it was expended. But if parents or School Committees should visit Schools with such inquiries as these:—"How many pupils have improved in the government of their temper the past year?"—"How many are more docile and obedient?"—"How many are more strict in regard to veracity, honour, and honesty?"—"How many have improved in a spirit of magnanimity, self-command, and forgiveness of injuries?"—"How many have learned to govern their tongues by the law of charity, so as not to speak evil of others or to propagate scandal?"—"How many are more regardful of the duties owed to parents and mankind, and obliging to companions?"—"How many are more mindful of their obligation to God?" and "How many, under the influence of fear and love to Him, are practising more and more the self-denying duties of benevolence to all?"—would not such questions, in most of our Schools, awaken surprise, and be deemed irrelevant and almost impertinent, even if addressed to those whose express business it is to educate children?

Why is there this strange discrepancy between the avowed opinions and the practice of society?

Not because the moral and religious education of children is a matter with which Teachers cannot profitably employ themselves. None will deny that Teachers possessing the requisite character and experience, employed with the express understanding that they are held responsible for the moral as well as the intellectual education of their pupils, and allowed sufficient time and opportunities for such duties, could exert a constant and powerful influence over young and plastic minds, placed for six hours each day under their entire control, and what peculiar advantages Teachers enjoy, who, unbiassed by the partialities of parental fondness, can observe their charge when thrown into collision with all the various characters that meet in the school-room and playground, where often are developed peculiarities of character and temper that escape parental notice and care.

Nor does this strange inconsistency exist because Teachers cannot give instruction in all the relative moral and religious duties, nor because they cannot become intimately acquainted with the temperament, habits, and deficiencies of every child, and point out its dangers and set before it the appropriate motives to excite to virtuous effort.

Nor is it because experience shews that it does no good to convince children of their faults, and to invite them to improvement. Nor is it because Teachers cannot with propriety and success bring to bear upon the minds of children the powerful motives of religious obligation; teaching them the claims of the Bible, the evidences of its authority, the proper mode of giving a correct and independent knowledge of its contents while they daily appeal to it as the standard of moral rectitude, and employ its solemn sanctions to sustain its precepts.

Nor is it because parents all of them are so pre-eminently well qualified to understand and regulate the varieties of youthful character; a labour demanding such experience, wisdom, energy, perseverance, and self-denial; nor because they have such entire leisure to discharge these duties, nor because they are so entirely free from all liabilities to indolence, excessive indulgence, and blind insensibility to the faults of their children, nor because they always so wisely and so faithfully fulfil all these duties that they have no need of such co-operating influences from those whose business it is to aid in the education of children.

Nor, lastly, is it because there is any such essential difference in the religious opinions of the great Christian community that religious and moral instruction cannot be introduced into Public Schools without encroaching on the peculiarities of those who support them.

Those great principles of religious truth and moral duty in which all agree are the only ones which are needed in the moral education of children at School.

All agree that the Bible is the true standard of right and wrong, and the only rule of faith and practice. All agree that the evidences of its divine authority should be understood, and that its contents should be studied.

All agree that the Bible teaches that mankind are in danger of eternal ruin; that all have become sinful, that a way of pardon and salvation has been secured through the atoning sacrifice of the Redeemer; that whenever love to God, and the desire to do His will, is the regulating principle of the mind, men are prepared for Heaven; and that without this character no happiness is to be hoped for in the future state; that no man will ever attain this character without supernatural aid from the Spirit of God, and that such influences are to be sought by prayer and the use of the appropriate means of religious influence; that as the Bible is the standard of rectitude in all moral and relative duties, children are to be educated to understand its precepts and urged by all the motives it presents to obey them.

There is not one of the largest Christian Denominations that would refuse assent to any one of these positions, and these principles are all that need to be employed in forming the moral and religious character of children at School. The points in which these

sects differ relate either to forms of Church Government, or to the rights of the Church, or to the philosophy of religion, and these peculiarities never need be introduced into School, but can be taught by parents and religious Teachers elsewhere.

But if any religious sect attach such importance to their own peculiarities as to fear the influence of religious instruction exerted by those who differ from them on these points, they could institute schools taught by persons of their own sect; and though they might involve some dangers and some evils, yet there would be the counterbalancing good which is often found to be the result of sectarianism, more would be accomplished in a good cause than would have been had no such jealousy existed.

One thing is certain, if religious influences are banished from our provincial system of Education, every denomination will be injured in its most vital interests. For one who would be proselyted by a sectarian Teacher, ten would be ruined by the vice and irreligion consequent on the subject of moral and religious influences.

Our Schools must have these influences; but whether it shall be by the united or by the separate action of religious sects is a matter of secondary consequence.

The reasons for the neglect of moral and religious Education at Schools are, in the first place, the fact that intellectual superiority has too high a relative estimation in society. Men do award to genius and knowledge an estimation not rendered to amiable character, true virtue, and sincere piety.

Another reason is that mankind are not aware how much might be effected by Teachers, in the most important part of Education, were they properly trained for these duties and allowed sufficient time and opportunity for the discharge of them.

Another reason is, that, to a very wide extent, Teachers are not qualified for such duties,—do not know how to undertake them, and do not understand or feel their obligation on this subject.

And the last reason is, that such is the present system of Education, so many pupils are given to the care of one person, and so great a variety of branches are to be taught by a single individual, that in most cases it is utterly impossible for Teachers to attempt properly to discharge their most important duty, without so neglecting what parents consider the only business of a Teacher as to occasion dissatisfaction and the removal either of Teacher or pupils.

Until public sentiment is so changed that Teachers shall be educated for their profession and parents are willing to pay the price for such a division of labour as will give time and opportunity for the discharge of their most sacred duties, it is desirable that conscientious Teachers should realize how much is left undone in moral Education that might be accomplished.

In regard to Education the world is now making experiments such as were never before made. Man is demanding disenthralment from physical force and intellectual slavery; and by a slow and secret process one nation after another is advancing in a sure though silent progress. Man is bursting the chains of slavery, and the bonds of intellectual subserviency; and is learning to think, and reason, and act for himself, and the great crisis is hastening on when it shall be decided whether disenthralled intellect and liberty shall voluntarily submit to the laws of virtue and of Heaven, or run wild to insubordination, anarchy and crime. The great questions pending before the world are simply these: "Are liberty and intelligence, without the restraints of a moral and religious Education, a blessing or a curse?"—"Without moral and religious restraints, is it best for man to receive the gift of liberty and intelligence, or to remain coerced by physical force and the restraints of opinions and customs not his own?"

The master-spirits of the age are watching the developments as they rise, and make their records for the instruction of mankind.

And what results are already gained?—In England the experiment has been made by Lord Brougham, and at great expense, knowledge has gone forth with increasing liberty, and all who have witnessed the results are coming to the conviction, that increase of

knowledge, without moral and religious influence, is only increase of vice and discontent? And what are the results of the experiment in France?—The statistics of Education show that the best Educated departments are the most vicious, and the most ignorant are freest from vice,—and in that country, where the national representatives once declared that Christianity should be banished, and the Bible burnt, and the Sabbath annihilated, we now find its most distinguished statesmen and citizens uniting in the public declaration, that moral and religious Education must be the foundation of national instruction. Victor Cousin, one of the most distinguished philosophers of the age, and appointed by the King of France to examine the various systems of Education in Europe, has reported as the result of his investigations, that Education is a blessing just in proportion as it is founded on moral and religious principles.

Look, again, at Prussia! with its liberal and patriotic monarch, with a system of Education unequalled in the records of time, requiring by law that all the children in the nation be sent to School from the first day they are seven years of age till the last day they are fourteen, with a regular course of literary and scientific instruction, instituted for every School, and every Teacher required to spend three years in preparing for such duties, while on an average one Teacher is furnished for every ten pupils through the Province. The effects of merely intellectual culture soon convinced the monarch and his counsellors that moral and religious instruction must be the basis of all their efforts; and now the Bible is placed in every School, and every Teacher is required to spend from one to two hours each day in giving and enforcing instruction in all the duties of man toward his Creator, towards constituted authorities, and towards his fellow-men.

The object aimed at is one immense and difficult enough to demand the highest exercise of every energy and every mode of influence. If Prussia, with her dense population, finds one Teacher for every ten children needful, the spareness of population in our wide territories surely demands an equal supply. At this rate thirty thousand teachers are this moment wanted to supply the destitute; and to these must be added every year four thousand simply to meet the increase of population. But if we allow thirty pupils as the average number for every Teacher then we need ten thousand Teachers for present wants and an annual addition of one thousand for increase of population. And yet what has been done—what is now doing—to meet this enormous demand? While Prussia, for years, has been pouring out her well educated Teachers from her forty-five seminaries at the rate of one for every ten pupils; while France is organizing her Normal Schools in all her departments for the Education of her Teachers, and while every portion of the United States is alive to the subject of Education—what is done in Upper Canada? What patriot—what philanthropist—what Christian, does not see that all that is sacred and dear, in home and country, and liberty, and religion, call upon him to awaken every energy and put forth every effort.

Does the heart fail and the courage sink at the magnitude of the work, and the apparent destitution of means? We have the means, we have the power. There is wealth enough. Nothing is wanting but a knowledge of our wants, our duty and our means, and a willing mind in exerting our energies. Our difficulties have been briefly noticed. It is the object of this Report to point out one important measure in the system of means that must be employed.

When we consider the claims of the learned professions, the excitement and profits of commerce, manufactures, agriculture, and the arts; when we consider the aversion of most men to the sedentary, confining, and toilsome duties of teaching and governing young children; when we consider the scanty pittance that is allowed to the majority of Teachers; and that few men will enter a business that will not support a family, when there are multitudes of other employment that will afford competence and lead to wealth; it is chimerical to hope that the supply of such immense deficiencies in our national Education is to come chiefly from that sex.—It is women fitted by disposition and habits, and circumstances, for such duties, who, to a very wide extent, must aid in educating the childhood and youth of this Province, and therefore it is that females must be trained

and educated for this employment.—And most happily it is true that the Education necessary to fit a woman to be a Teacher is exactly the one that best fits her for that domestic relation she is primarily designed to fill.

But how is this vast undertaking to be accomplished? How can such a multitude of female Teachers as are needed be secured and fitted for such duties? The following will show how it can be done, if those most interested and obligated shall only will to have it done.

Men of patriotism and benevolence can commence by endowing two or three seminaries for female Teachers, in the most important stations in the Province, while to each of these seminaries shall be attached a Model School supported by the children of the place where it is located. In these seminaries can be collected those who have the highest estimate of the value of moral and religious influence, and the most talents and experience for both intellectual and moral Education.

When these Teachers shall have succeeded in training classes of Teachers on the best system their united wisdom can devise, there will be instructors prepared for other seminaries for Teachers, to be organized and conducted on the same plan; and thus a regular and systematic course of Education can be disseminated through the Province.

Meantime proper efforts being made by means of the press, the pupil and influential men employed as agents for this object, the interest of the whole Province can be aroused, and every benevolent and every pious female in the Province, who has the time and qualifications necessary, can be enlisted to consecrate at least a certain number of years to this object. There is not a village in this Province that cannot furnish its one, two, three, and in some cases more labourers for the field.

And as a system of right, moral and Religious Education gains its appropriate influence, as women are more and more educated to understand and value the importance of their influence in society and their peculiar duties, more young females will pursue their Education with the expectation that, unless paramount private duties forbid, they are to employ their time and talents in the duties of a Teacher, until they assume the responsibilities of a domestic life. Females will cease to feel that they are educated to enjoy themselves in future life and realize the obligations imposed by Heaven, to live to do good, and, when females are educated as they ought to be, every woman at the close of her School Education will be well qualified to act as a Teacher.

The establishment of Institutions for the Education of Female Teachers would also most successfully remedy all the difficulties in regard to female Education which have been exhibited.—When female Teachers are well trained for their profession, a great portion of the higher Female Schools will be entrusted to their care, and they will be prepared to co-operate in propagating a uniform and thorough system of female Education, both intellectual and moral. When such teachers are scattered through the land, they will aid in enlightening the public mind in regard to permanently endowed Institutions for females. By this means also essential aid will be rendered in advancing improvements in regard to Physical Education, in introducing useful exercises, in promoting a national taste for music, and in various other modern improvements.

It is perhaps here worthy of remark that from the reports of the temperance societies, both in Europe and America, seven-tenths of all the common drunkards in the world are men who cannot read and write so well as to render these occupations agreeable and amusing to them. The mind of man, ever on the stretch for some active employment or amusement, when uneducated and unable to associate with men of letters, and incapable of reading, and the interest excited by books, by degrees relaxes and becomes almost unconsciously led into intemperance and vice:—as a proof, the fact that not more than 5½ per cent. of the individuals confined in Houses of Correction, Houses of Refuge, Bridewells, City and State Prisons, and Penitentiaries, have a common Education. I shall be able to illustrate this fact in my report upon Penitentiaries, which I am preparing as fast as possible, with the little assistance I have. I will, however, here copy one extract from the report of the agent of the Sing Sing State Prison, of last year. The agent says that

in the Sing Sing State Prison, containing 842 prisoners, there in August last, only fifty had received anything like an education. The following is his statement:—

"There are at present 842 prisoners;—of these 170 can neither read nor write—34 have never been at School—85 can read, but cannot write—510 can read and write, but most of them very imperfectly—42 had a common education—8 went through College: but of the whole number 485 had been habitual drunkards, about one-third of whom committed their crimes when actually intoxicated."

The Warden of the Eastern Penitentiary in Pennsylvania says, that in 1834, 219 prisoners in the whole had been received—of these 42 could not read nor write—50 could read, but not write—118 could read and write, but 98 of them but very indifferently; leaving only twenty who had received anything like a common education. If Legislators are justified in the enactment of laws for the punishment of crime, how much more ought they to be vigilant and active in adopting such measures as will be best calculated to suppress and prevent it; the door is now open, the means are now within their reach, the School funds of the Province are about to be made available for the purposes of Education, and our future greatness depends much upon the first application that is made of these means:—then let the Honourable the House of Assembly reflect maturely upon the propriety of establishing at once one Seminary for Teachers in the east—one in the centre, and one in the west part of this Province—devoted principally to the education and qualification of Teachers; and endow not less than one female Seminary for the education of female Teachers, and allow a portion of the School funds, as soon as they are available, for the purposes of Education, to be set apart expressly for the support, qualification and education of male and female Teachers; one School of this sort will soon be required in every district of this Province, and would, I verily believe, contribute more to the advancement of Science and Literature than the expenditure of much larger sums in the support of Common Schools or higher Institutions of Learning, and while I do not recommend the sinecure pension compulsory system of Prussia for adoption in this Province, as is seen by the Bill accompanying this Report, but rely upon the exertions of Teachers to secure to themselves continuance in their employment, and by the prudent saving the avails of their earnings, when they become by age or infirmities disqualified from teaching a School, they may have the comforts of life secured to them by their former economy and industry; and I am the more explicit upon this point, as I believe that frugality and economy in a money-making country like ours, are virtues that ought to be taught the youth of the land, by the examples of their preceptors as well as their precepts; besides moral instruction is but badly taught by the profligate and intemperate; and I am much inclined to believe that "as is the master so is the child"—then pay your Teachers—provide for their qualification—and be careful in their examinations and the examinations of their Schools.

And perhaps the recent rapidly increased prosperity of the United States, and of the northern, eastern and middle States in particular, may be attributed more to the extensive and general diffusion of Education through the medium of their Common Schools and other Literary Institutions, and the almost entire suppression of the use of distilled spirits among them than to any other causes. The millions of dollars' worth of distilled spirits consumed in 1830 over and above the quantity consumed in 1835, shews how much has been saved in that item from the fire that not only burned up itself, but consumed with it time, character and constitution, and with other expenses amounted altogether to a sum equal to all the revenues collected in the United States during the same period; but in my Report upon prisons and prison discipline, which I am preparing, I shall give such authority for these opinions as will be hardly questionable.

In submitting the accompanying Bill, I have adopted such parts of the system referred to as are the most popular with those countries where the subject has undergone the most recent and thorough investigation—and while I claim no merit for anything original in the system of Education thus attempted to be introduced, or for anything new in the Bill by which this improvement is designed to be accomplished, I cannot refrain from remarking that it combines simplicity with precision—clearness with perspicuity—

and is adapted in style and language to the capacities of those persons most interested in it, and is so clearly explained that the most ordinary mind can, if required, carry any of its provisions into complete effect. It is designed to be a system of Common School Education, founded upon the wisdom and experience of the past as developed in the reports of the most literary men of the age, both in Europe and America. Lord Brougham's elaborate report shows how cheaply and perfectly a large community may be educated, where the work is undertaken in right earnest, and where a proper system is pursued. Mr. Dick, who has brought the system of Education in Scotland to far greater perfection than any who had preceded him, illustrates the necessity of interesting parents and guardians in the education of their children, and modes to accomplish the object. Mr. Cousin, in his valuable report upon the Prussian system of Education, proves that in absolute monarchies parents must be compelled to educate their children, or they neglect it; and it is contended that the State that has power to punish crimes, has, and of right ought to have, power to prevent it; by educating the children of the empire in science, morality and virtue, in the United States various means have been adopted to educate the whole people so that mind shall rule, and in fact the energies of the civilized world seem directed to the same great and grand object, the moral and religious education of the whole people as the most effectual method of preventing crime and misery.

By this Bill the inhabitants of every Township may provide a portion of the funds necessary for the support of Common Schools, by a voluntary tax upon their rateable property, and as an inducement to them to raise the funds required, one half of the Public School money of each year is to be apportioned among such Townships as raise a sum for the support of Common Schools not exceeding one penny in the pound. It also provides that each School District shall regulate its own affairs, build a School House, a house for the teacher with such comforts as they may think proper; establish Mechanics' Shops, or gardening for Manual Labour Schools, by which the industrious may learn Science, a Trade, and make wages at the same time. It also provides for the education of Teachers by establishing four Normal Schools there for the education of males and one for the education of females,—this has succeeded well in Prussia; why should it not succeed equally well in Canada? The nature and operations of the mind are the same in all countries, and the relations which exist between knowledge and the intellectual and the moral faculties remain unchanged under every system of Education and every form of Government, and the practice of obtaining literary and scholastic information, by observation made under the direction of Government, by special Commissioners for that purpose, to visit, consult, examine and report the result of those investigations, are not new, but the precedent has been established by the authority of some of the most enlightened countries, both in Europe and America. But these exertions to correct by observation and comparison the defects and discrepancies of various institutions and systems of Education, whether made by order of the Government or by private philanthropy and enterprise, have been isolated, local, and partial, and although their reports contain many important and interesting facts upon the several subjects thus investigated, they rather serve to show the defects in other Institutions than lay down any general system of education not equally objectionable, and I must again repeat the reason why we legislate so badly for the people upon this subject is, there is no instruction in the past.

If a general literary convention composed of the men best qualified for the important subject by their learning, ability and independence of political, sectarian and traditional prejudice, were to meet upon the subject of a general system of Education founded upon nature, and adapted to the various capacities of the different sexes of all classes of the community, and at all ages, such a system of Education might be framed by such a convention after careful investigation and mature reflection, I am satisfied, as would be eminently useful to mankind, teaching by observation and constant practical demonstration on the part of the pupils themselves, facilitate the acquirement of knowledge by giving the pupil clear and distinct ideas upon all subjects

attempted to be taught him, by presenting everything he is to learn to as many of his senses as he can approach the subject with, thereby lessening the necessity of increasing the number of arbitrary names that must be learned before any familiar association is connected with them, which would serve the cause of literature, humanity and philanthropy most materially.

I am quite satisfied that without regulations far more extensive than has yet been introduced, a control far more enlightened and constant than has yet been exercised, and fiscal aid far more ample than has yet been afforded, it is vain to expect that the character of our Common Schools can be truly and permanently improved.

In the United States, so far as I have witnessed and am capable of judging, their Common School systems are as defective as our own. They have, according to their public documents, about eighty thousand Common School Teachers, but very few of whom have made any preparation for their duties; the most of them accidentally assume their office as a temporary employment.

Thus the lame and the lazy, because they will work cheap, are entrusted with the formation of the minds of our youth, who will, to a certain extent, copy their Masters, and although their bodies may not limp, their minds will be both sluggish and deformed. Hence the necessity of having Teachers correct gentlemanly persons well prepared for their arduous responsible office, and fit models for the youth of the country to imitate. Schools for the education of Teachers should be immediately established and supported out of a fund permanently appropriated for that purpose.

Competent Common School Teacher Inspectors should be appointed to prevent the disqualified from entering into the responsible profession of teaching.

The laxity or ignorance of many of our Inspectors are the causes of the low and almost useless condition of many of our Common Schools. They have acted upon the principle that a poor School is better than none. Universal correct Education is the only true security of life and property.

In proportion to the aggrandizement of the Province will be the complication of the various branches of public instruction and the importance of the direction which the whole may receive from the hand of Government—while the details are left to the local powers, School Districts or Townships. Yet from what I have already witnessed of the rapid progress of Education in some of the States of the Union, especially Kentucky, where the spirit of improvement, as well as the thirst for Education, has but just commenced, I am satisfied that there, at least, a new era is forming in Science and Literature; for while reform is rapidly progressing in arts and sciences as well as constitutional Governments, the Education of our youth cannot go on the same circuitous route; but a system of educating, furnishing and liberally paying a sufficient number of competent Teachers commensurate with the wants of the people, must be adopted and publicly and zealously supported; the situation of "Common School Teacher" must be rendered respectable and reputed to be an honourable employment that gentlemanly competent persons may seek it as a business for life; which may be done by a critical examination of the Teachers and a frequent examination of the Schools by public exhibitions of their improvements, and by publishing reports awarding "merit to whom merit is due."

The Inductive system, founded upon nature and supported by facts, is superseding the former arbitrary copying system learned from books alone or principally:—by this system children are taught facts from observation and the examination of natural substances, which are presented to as many of the students' senses as are accessible, and number, colour, sound, size, touch, form and ponderosity, become familiar to them as properties of matter, by daily reference to the materials subjected to their examination, and as facts become strongly impressed upon the mind, the number of ideas is increased; they are soon enabled to comprehend the characters of those bodies as they are explained by their instructor, during experiments made by themselves for their analysis or decomposition; at the same time that the language peculiar to that science is learned without much exertion, the fact that the idea already existing in the mind the name, or word was needed and thus the language of the science is taught without exertion, and natural

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THIS BOOK MUST NOT BE REMOVED

science is taught by observation, not by the recollection of arbitrary names and almost incomprehensible descriptions of ideas obtained only by long and constant application from books, but by the easy and perfect natural channels of the senses, the names connected with a science (in common so difficult to retain) become a part of the ideas equally natural and associated in a plain, common-sense manner with the ordinary operations of the mind, or the common occurrences of life. What an interesting epoch is this in the history of letters and of Science generally! What an era in scholastic erudition, and what ample security for the future will be afforded the people through all such parts of the world in which useful science shall be generally taught—that governments shall be well administered, and popular rights respected and protected. If this reform in Science should prevail and be universally adopted, the time will have arrived when ignorance "(Satan) shall be bound for a thousand years."

The Reverend Mr. Peers, of Louisville, Kentucky, is teaching his pupils the art of self-government and self-instruction; he does not govern at all by fear—his objection to fear as a governing principle is that it debases and lessens the dignity of man;—but he governs his pupils by cultivating and strengthening the ennobling and elevating faculties and feelings of our natures, strengthening the social virtues, and increasing intellectual enjoyment. How pleasing is the view of his twenty boys, in whose countenances are seen strong marks of manly reflection and thought, with a strong wish to be correct in all their answers to his questions, and desire to please, without one symptom of fear upon that or any other occasion; they are between the ages of six and twelve years, and although they have been under his charge but a few months, he has rendered moral instruction so familiar to their understanding that they enter into the examination of the few passages of Scripture daily read and commented upon with interest and good feeling. His first year of instruction is a year of observation and experiment by which to store the minds of his pupils with facts and ideas that may serve as a basis for the superstructure of the most useful kind, not a parrot-like, noisy or showy imitation of some eminent literary man, but the knowledge of mind, of thought and of reflection, tracing effects to causes, and providing to avoid (or support the unavoidable) evil, and embrace and enjoy the blessings of this life as they are presented to us; they are already familiar with the first principles of chemistry and mineralogy, and performed without instruction several beautiful experiments, and explained the phenomena as they occurred in a manner not only satisfactory, but pleasing—know something of botany, geology and natural history, were (small as they are) entrusted with the management of the very valuable glass furniture of his beautiful and well selected laboratory, his electrifying machine (which cost $150); his air pump was of nearly equal value. Though much cheaper furniture might have explained the facts as well as those that are so expensive, yet these, from their dazzling splendor, make a strong impression on the mind; everything being perfect in their construction no failure can defeat any experiment, and the mind has nothing to supply to make up a complete operation, and when another less perfect instrument shall be used by the students and defects are found, their clear recollection of this and its operation will enable them to supply the defects.

By the "Inductive System," the students collect facts and accumulate ideas from observations, and having a mass of facts, a fund of ideas perfectly familiar and at command, they are prepared for study of such Arts and Sciences as require the exercise of the reasoning faculties, their laudable ambition is gratified by the certainty of success, and of the rewards most valued by the good and virtuous.

Lord Brougham says—"The schoolmaster is abroad in the land"—"Mind begins to assume her place, and ignorance, with her handmaid, vice, must recede before her like darkness before the morning sun, or clouds before the wind. Blow, blow, breezes blow; rise, rise resplendent orb, with thy universal vivifying and darkness dispelling beams—and hasten the great and the good reform when mind shall rule."

All of which is respectfully submitted,

TORONTO, 24th of February, 1836. CHARLES DUNCOMBE, *Commissioner.*

DOCTOR CHARLES DUNCOMBE'S PROPOSED COMMON SCHOOL BILL OF 1836.

Preamble.

WHEREAS, the promotion of the education of the youth of this Province is indispensable to the domestic and social happiness, to the commercial prosperity and national greatness, and to the peace, welfare and good government of the same; and whereas the Common School system of this Province has not produced the benefits so much desired by the thinking portion of its inhabitants; and wherefore it is expedient to alter, amend and reduce to one Act the several provisions of the same.

I. That from and after the first day of January, 1837, there shall be granted to His Majesty annually out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver-General unappropriated, for the use of Common Schools in this Province, the sum of fifteen thousand pounds.

Superintendent, when and how to be appointed.

II. That whenever the permanently available Public School fund of this Province, arising from any source whatever, shall amount to ten thousand pounds per annum, it shall and may be lawful for the Governor, etc., to appoint under the seal of this Province, a Superintendent of Common Schools,

His duties

whose duty it shall be, among other things, to prepare and submit an annual Report to the Legislature, containing:

1. A statement of the condition of the Common Schools of the Province.
2. Estimates and accounts of expenditure of the School moneys.
3. Plans for the improvement and management of the Common School Fund, and for the better organization of the Common Schools;—and
4. All such matters relating to his office, and to the Common Schools, as he shall deem expedient to communicate.

Apportionment and ratio of apportionment.

III. That in every year, immediately following a year in which a census of the population of this Province shall have been taken, the Superintendent shall apportion the School moneys to be annually distributed amongst the several districts of this Province, and the share of each District amongst its respective Towns and Cities, in the following manner: the one moiety thereof shall be apportioned among the several Towns and Cities of the Province, according to the ratio of the number of children over five and under sixteen years of age, as compared with the population of the whole Province according to the last preceding census, and the other moiety among the several Townships in proportion to the amount of School moneys raised in the several Townships in this Province, except as is hereinafter provided.

Increase of School moneys, how apportioned.

IV. That if an increase of the School moneys to be distributed, shall take place in any other year than the one immediately following a census, the Superintendent shall apportion such increase among the several Districts, Cities and Towns, according to the ratio of the apportionment then in force.

Proceedings when census defective.

V. That when the census or returns, upon which an apportionment is to be made, shall be so far defective, in respect to any District, City or Town, as to render it impracticable for the Superintendent to ascertain the share of School moneys which ought then to be apportioned to such District, City or Town, he shall ascertain by the best evidence in his power, the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly

Proceedings when Town altered, etc.

VI. That whenever, in consequence of the division of a Town or the erection of a new Town in any District, the apportionment then in force shall become unjust, as between two or more Towns of such District, the Superintendent shall make a new apportionment of the School moneys next

to be distributed amongst such Towns, ascertaining by the best evidence in his power, the facts upon which the ratio of apportionment as to such Towns shall depend.

Certificate and notice of apportionment.

VII. That the Superintendent shall certify each apportionment made by him to the Governor, and shall give immediate notice thereof to the Clerk of the Peace of each District interested therein, stating the amount of moneys apportioned to his District and to each Town and City therein, and the time when the same will be payable to the Commissioners of such Town, or to the Chamberlain of the City of Toronto.

Regulations respecting Forms, etc.

VIII. That the Superintendent shall prepare suitable forms and regulations for making all reports and conducting all necessary proceedings under this Act, and shall cause the same, with such instructions as he shall deem necessary and proper, for the better organization and government of Common Schools, to be transmitted to the officers required to execute the provisions of this Act throughout the Province.

Expenses, how paid.

IX. That all moneys reasonably expended by him in the execution of his duties shall, upon due proof, be allowed to him by the Governor, and be paid out of the Treasury.

Distribution of the Common School fund. When paid.

X. That the sum annually to be distributed for the encouragement of Common Schools, shall be paid on the first day of February, in every year, on the Warrant of the Governor to the Treasurers of the several Districts, and the Chamberlain of the City of Toronto.

Treasurer to apply for and receive.

XI. That the Treasurer of each District, and the Chamberlain of the City of Toronto, shall apply for and receive the School moneys apportioned to their respective Districts as soon as the same become payable.

To give notice.

XII. That each Treasurer receiving such moneys shall give notice in writing, to some one or more of the Commissioners of Common Schools of each Town or City in his District, of the amount apportioned to such Town or City, and shall hold the same subject to the order of such Commissioners.

Moneys remaining, how disposed of.

XIII. That in case the Commissioners of any such City or Town shall not apply for and receive any such moneys, or in case there are no Commissioners appointed in the same, before the next receipt of moneys apportioned to the District; the moneys so remaining with the Treasurer shall be retained by him, and be added to the moneys next received by him for distribution from the Superintendent of Common Schools, and be distributed therewith and in the same proportion.

Clerk of the Peace.

His duty on receiving notice of apportionment.

XIV. That whenever the Clerk of the Peace of any District, shall receive from the Superintendent of Common Schools, notice of the apportionment of moneys to be distributed in the District, he shall file the same in his office, and transmit a certified copy thereof to the District Treasurer, and also to the Clerk of each Township, to be by him laid before the School Commissioners of such Township; which sum so apportioned, together with the sum raised in that Township by the vote of its qualified voters at their last preceding annual Township meeting, shall be apportioned by the said Township Commissioners among the several School Districts of the Township as follows: one moiety to be apportioned to each District, in proportion to its number of children between the ages of five and sixteen, exclusive; and the other moiety, to be divided among the School Districts in the Township, in proportion to the amount of money actually paid by each District towards the Teacher's wages in such District.

Duty of Commissioners.

XV. That the Commissioners shall cause and require the Collector of each Town, by their warrant to him, to pay the moneys so added when col-

lected, retaining his fees for collection, to some one or more of the Commissioners of Common Schools in such Town for the use of Common Schools therein, whose receipt therefor shall be sufficient evidence of payment.

When moneys to be paid to Treasurer.

XVI. That if there shall not be any Commissioners of Common Schools, in such Town when the moneys are collected, the Collector shall pay the same, retaining his fees for collection, to the District Treasurer, to be by him apportioned among the several Cities and Towns in the District, and distributed in the manner herein provided.

Superintendent's duties, pro. tem. to be exercised under the superintendence of the Governor.

XVII. That until a Superintendent of Common Schools shall have been appointed in this Province, it shall be the duty of the Governor, etcetera, to cause the duties of that office to be executed, under his superintendence, and all the duties of the other officers of the several Districts, Cities or Towns in this Province, shall be transacted and done between them and the Governor of this Province, in the same manner as they are by this Act required to be done by them and by the Superintendent of Common Schools in this Province.

Town Clerk to give amount of School moneys to Clerk of the Peace, who apportions, etc.

XVIII. That it shall be the duty of the Town Clerk of every Township, with as little delay as possible after the annual Township meeting, to make out and transmit to the Clerk of the Peace for his District, the amount of money to be raised in his Township for the support of Common Schools, who shall apportion the same, upon the rateable property of such Township, in the same manner as the other moneys to be raised and collected in that Township, shall be apportioned to be collected.

Commissioners and Inspectors. To be elected at the annual town meeting, three Commissioners and three Inspectors.

XIX. That at the Township meeting, convened under the authority of an Act passed in the 5th year of the reign of His Majesty William the Fourth, entitled "An Act to reduce to one Act of Parliament the several laws relative to the appointment and duties of Township officers in this Province, except an Act passed in the fourth year of the reign of William the Fourth, chapter twelve, entitled 'An Act to regulate line fences and water courses,' and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty, King George the Third, entitled 'An Act to provide for the nomination and appointment of Parish and Town officers within this Province,' as relates to the office of fence viewers being discharged by overseers of highways and roads, there shall be elected in the same manner as other Township officers, three persons in each Township to be School Commissioners of such Township, and three persons who shall be School Inspectors for the same."

Commissioners to give bonds in double the amount, etc.

XX. That the Commissioners of the several Townships so chosen, as aforesaid, shall be annually required to give bonds to the Treasurer of the District, in double the amount of the sums liable to pass through their hands, during the period of their continuance in office.

Powers and duties of Commissioners.

XXI. That it shall be the duty of the Commissioners of Common Schools, in each Township:

To divide the Townships into Districts,

1. To divide their Township into a convenient number of School Districts, and to regulate and alter such Districts as hereinafter provided.

to describe and number the School Districts, to apply for and receive all School moneys from the District Treasurer and Township Collector,

2. To describe and number the School Districts and to deliver the description and numbers thereof in writing to the Town Clerk, immediately after the formation or alteration thereof.

3. To apply for and receive from the District Treasurer all moneys apportioned for the use of Common Schools in their Township, and from the Collector of the Township all moneys raised therein for the same purpose as soon as such moneys shall become payable or be collected.

4. To apportion the School moneys received by them on the first Tuesday in April in each year among the several School Districts, parts of Districts, and the neighbourhoods separately set off within their Townships as follows: one moiety in proportion to the number of children residing in each over the age of five and under that of sixteen years, as the same shall have appeared from the last annual reports of their respective Trustees; and the other moiety in proportion to the amount actually paid for Teachers' wages during the year, as compared with the whole amount paid in such Township for Teachers' wages during the same period. to apportion the moneys so received, according to the ratio of children over 5 and under 16,

5. If the Commissioners shall have received the School moneys of their Township and all the reports from the School Districts therein before the first Tuesday of April, they shall apportion such moneys as above directed within ten days after receiving all of the said reports and the said moneys. moneys to be apportioned within ten days after receipt,

6. To sue for and collect by their name of office all penalties and forfeitures imposed in this Act, and in respect to which no other provision is made, which shall be incurred by any officer or inhabitant of their Township; and after deducting their costs and expenses, to add the sums recovered to the School moneys received by them to be apportioned and paid in the same manner. to sue for and collect fines and forfeitures ex-officio. Double Districts.

XXII. That whenever it may be necessary or convenient to form a District out of two or more adjoining Townships the Commissioners from each of such adjoining Townships, or the major part of them, may form, regulate and alter such District.

XXIII. That no alteration of any School District, made without the consent of the Trustees thereof, shall take effect until three months after notice in writing shall be given by the Commissioners, to some one or more of such Trustees. Consent of Trustees.

XXIV. That in making the apportionment of moneys among the several School Districts, no share shall be allotted to any District, part of a District or separate neighbourhood, from which no sufficient annual report shall have been received, for the year ending on the last day of December, immediately preceding the apportionment; excepting all cases where a School District shall have been formed at such a time previous to the first day of January, as not to have allowed a reasonable time to have kept a School therein for the term of three months; such District having been formed out of a District or Districts, in which a School House shall have been kept for three months, by a Teacher duly qualified, during the year preceding the first day of January. When moneys to be withheld. Exception.

XXV. That no moneys shall be apportioned and paid to any District or part of a District, unless it shall appear by such report that a School had been kept therein for at least three months, during the year ending at the date of such report, by a qualified Teacher, and that all moneys received from the Commissioners during that year, have been applied to the payment of the compensation of such Teacher; or, as excepted in the last clause of the preceding section of this Act. Exception.

XXVI. That no part of such moneys shall be apportioned or paid to any separate neighborhood, unless it shall appear from the report of its Trustee, that all moneys received by him from the Commissioners, during the year ending at the date of such report, have been faithfully applied in paying for the instruction of the children residing in such neighbourhood. As the preceding.

XXVII. That if after the annual reports from the Districts shall have been received, and before the apportionment of the School moneys shall have been made by the Commissioners, a District shall be duly altered, or Case for new apportionment.

a new District be formed in the Township, so as to render an apportionment founded solely on the annual reports, unjust, as between two or more Districts of the Township, the Commissioners shall make an apportionment among such Districts, according to the number of children in each over the age of five and under sixteen years; ascertaining that number by the best evidence in their power, and in proportion to the amount of School moneys raised in the said Township as aforesaid.

Moneys in Commissioners' hands one year to be added to and apportioned with next year's receipts

XXVIII. That all moneys apportioned by the Commissioners to the Trustees of a District, part of a District, or separate neighbourhood, which shall have remained in the hands of the Commissioners for one year after such apportionment, by reason of the Trustees neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by the Commissioners, and shall be apportioned and paid therewith and in the same manner.

Moneys not apportioned for two years, returned to District Treasurer for subsequent apportionment.

XXIX. That in case any School moneys received by the Commissioners cannot be apportioned by them for the term of two years after the same are received, by reason of the non-compliance of all the School Districts in their Township with the provisions of this Act, such moneys shall be returned by them to the District Treasurer, to be by him apportioned and distributed, together and in the same manner with the moneys next thereafter to be received by him for the use of Common Schools.

Commissioners to report annually:

XXX. That it shall be the duty of the Commissioners in each Township, between the first day of July and the first day of October in each year, to make and transmit to the District Clerk of the Peace a report in writing, bearing date on the first day of July, in the year of its transmission and stating:

the number of School Districts, etc.,

1. The whole number of School Districts and neighbourhoods, separately set off within their township.

the Districts, etc., which have reported,

2. The Districts, parts of Districts and neighbourhoods, from which reports shall have been made to the Commissioners, or their immediate predecessors in office, within the time limited for that purpose.

the length of time a legal School has been kept,

3. The length of time a School shall have been kept in each of such Districts or parts of Districts, distinguishing what portion of that time the School shall have been kept by qualified Teachers.

amount of public moneys received,

4. The amount of public moneys received in each of such Districts and parts of Districts and neighbourhoods.

number of children taught,

5. The number of children taught in each and the number of children over the age of five and under sixteen years, residing in each.

whole amount of moneys received within the year distinguishing the sources,

6. The whole amount of moneys received by the Commissioners or their predecessors in office, during the year ending at the date of their report and since the date of their last preceding report; distinguishing the amount received from the District Treasurer, from the Township Collector, and from any other, and what source.

mode of expenditure.

7. The manner in which such moneys shall have been expended, and whether any, and what part, remains unexpended, and for what cause.

Clerk of the Peace to report Commissioners' neglect to Township Clerk.

XXXI. That in case the Commissioners in any Township shall not, on or before the first day of October in any year, make such report to the Clerk of the Peace for the District, it shall be his duty to give immediate notice of such neglect to the Clerk of such Township.

Forfeiture for neglect.

XXXII. That the Commissioners neglecting to make such report within the limited period shall forfeit severally to their Township for the use of the Common Schools therein, the sum of two pounds ten shillings; and the share of School moneys apportioned to such Township for the ensuing year may, in the discretion of the Superintendent of Common Schools, be withheld and be distributed among the other Townships in the same District, from which the necessary reports shall have been received.

Commissioners liable for amount.

XXXIII. That where the share of School moneys apportioned to a Township shall thus be lost to the Township by the neglect of its Commissioners, the Commissioners guilty of such neglect shall forfeit to their Township the full amount, with interest, of the moneys so lost; and for the payment of such forfeiture they shall be jointly and severally liable.

Township Clerk to prosecute, etc.

XXXIV. That it shall be the duty of the Clerk of the Township, upon notice of such loss from the Superintendent of Common Schools, Clerk of the Peace, or District Treasurer, to prosecute without delay, in the name of the Township, for such forfeiture, and the moneys recovered shall be distributed and paid by such Township Clerk to the several Districts, parts of Districts, or separate neighbourhoods, of the township, in the same manner as it would have been the duty of the Commissioners to have distributed and paid them, if received from the District Treasurer.

Commissioners to keep an account, and

XXXV. That the Commissioners in each Town shall keep a just and true account of all School moneys received and expended by them, during the year for which they shall have been chosen, and shall lay the same before the Board of Auditors of their accounts at the annual meeting of such Board in the same year.

Render to successors all accounts of moneys, and (If any)

XXXVI. That the Commissioners of Common Schools in each Township, shall, within fifteen days after the termination of their respective offices, render to their successors in office, a just and true account, in writing, of all School moneys by them respectively received, before the time of rendering such account, and of the manner in which the same shall have been appropriated and expended by them; and the account so rendered shall be delivered by such successors in office to the Township Clerk, to be filed and recorded in his office.

Pay balance.

XXXVII. That if on rendering such account any balance shall be found remaining in the hands of the Commissioners, or any of them, the same shall be immediately paid by him or them, to his or their successors in office, or some one of them.

If appropriated to be paid accordingly.

XXXVIII. That if such balance or any part thereof shall have been appropriated by the Commissioners to any particular School District, part of a District, or separate neighbourhood, and shall remain in their hands for the use thereof, a statement of such appropriation shall be made in the account so to be rendered, and the balance paid to such successors in office shall be paid over by them according to such appropriation.

Forfeiture for neglect.

XXXIX. That every Commissioner of Common Schools, who shall refuse or neglect to render such account as is above required, or who shall refuse or neglect to pay over to his successor in office, any balance so found in his hands, or to deliver a statement of the appropriation, if any there be, of such balance, shall for each offence forfeit the sum of twenty-five pounds.

Successors to prosecute.

XL. That it shall be the duty of such successors in office, to prosecute without delay, in their name of office for the recovery of such forfeiture, and to distribute and pay the moneys recovered, in the same manner as other School moneys received by them.

Suit, how brought.

XLI. That such successors in office may bring a suit in their name of office, for the recovery with interest of any unpaid balance of School moneys that shall appear to have been in the hands of any previous Commissioner on leaving his office, either by the accounts rendered by such Commissioner or by other sufficient proof.

Ib.

XLII. That in case of the death of such Commissioner, such suit may be brought against his representatives, and all moneys recovered shall be applied in the same manner as if they had been paid over without suit.

Corporation.

XLIII. That the Commissioners of Common Schools in each Township shall have the powers and privileges of a corporation, so far as to enable them to take and hold any property transferred to them for the use of Common Schools in such Township.

Clerk of Commissioners, his duties.

XLIV. That the Clerk of the Township, by right of office, shall be the Clerk of the Commissioners of Common Schools in each Township, and it shall be his duty:

1. To receive and keep all reports made to the Commissioners, from the Trustees of School Districts, and all the books and papers belonging to the Commissioners, and to file them in his office.

2. To attend all meetings of the Commissioners, and to prepare under their direction all their reports, estimates and apportionments of School money, and to record the same and their other proceedings in a book to be kept for that purpose.

3. To receive all communications as may be directed to him by the Superintendent of Common Schools, and to dispose of the same in the manner directed therein.

4. To transmit to the Clerk of the Peace for the District all such reports as may be made to such Clerk by the Commissioners.

5. To call together the Commissioners, upon receiving notice from the Clerk of the Peace that they have not made their annual report, for the purpose of making such report.

And generally to do and execute all such things as belong to his office, and may be required of him by the Commissioners.

Of the Inspectors of Common Schools, Who

XLV. That the Commissioners of Common Schools in each Township, together with the other Inspectors elected in their Township, shall be the Inspectors of Common Schools for their Township.

Inspectors' duties as to Teachers.

XLVI. That it shall be the duty of the Inspectors of Common Schools in each Township, or any three of them, at a meeting of the Inspectors called for that purpose, to examine all persons offering themselves as candidates for teaching Common Schools in such Township.

Ib.

XLVII. That in making such examination it shall be the duty of the Inspectors to ascertain the qualifications of the candidate in respect to moral character, learning and ability.

Ib.

XLVIII. That if the Inspectors shall be satisfied in respect to the qualifications of the candidate, they shall deliver to the person so examined a certificate signed by them, in such form as shall be prescribed by the Superintendent of Common Schools.

Ib.

XLIX. That the Inspectors, or any three of them, may annul any such certificate given by them or their predecessors in office, when they shall think proper, giving at least ten days' previous notice in writing, to the Teacher holding it, and to the Trustees of the District in which he may be employed, of their intention to annul the same.

L. That the Inspectors, whenever they shall deem it necessary, may require a re-examination of all or any of the Teachers in their Township, for the purpose of ascertaining their qualifications to continue as such Teachers. Inspectors' duties as to Teachers.

LI. That the annulling of a certificate shall not disqualify the Teacher to whom it was given, until a note in writing thereof, containing the name of the Teacher, and the time when his certificate was annulled, shall be made by the Inspectors and filed in the office of the Clerk of their Township. Ib.

LII. That where any School District shall be composed of a part of two or more Townships, or any School House shall stand on the division line of two Townships, the Inspectors of either Township may examine into and certify the qualifications of any Teacher offering to teach in such District in the same manner as is provided by the preceding sections of this article; and may also in the same manner annul the certificate of such Teacher. Ib.

LIII. That it shall be the duty of the Inspectors to visit all such Common Schools within their Township, as shall be organized according to law, at least once a year, and oftener if they shall deem it necessary. Inspectors' duties as to visiting Schools.

LIV. That at such visitation the Inspector shall examine into the state and condition of such Schools, both as respects the progress of the scholars in learning and the good order of the Schools, and may give their advice and direction to the Trustees and Teachers of such Schools, as to the government thereof, and the course of studies to be pursued therein. Ib.

LV. That each of the Inspectors, by agreement with or direction of the other Inspectors, may be assigned to a certain number of School Districts, which shall be his special duty to visit and inspect. Ib.

LVI. That whenever any School District shall be formed in any Township, by the Commissioners of Common Schools, it shall be the duty of one or more of the Commissioners, within twenty days thereafter, to prepare a notice in writing describing such District, and appointing a time and place for the first District meeting, and to deliver such notice to a taxable inhabitant of the District. Formation of School Districts, etc. Commissioners to give notice.

LVII. That it shall be the duty of such inhabitant to notify every other inhabitant of the District, qualified to vote at District meetings, by reading the notice in the hearing of such inhabitant, or in the case of his absence from home, by leaving a copy thereof, or of so much thereof as relates to the time and place of such meeting at the place of his abode, at least six days before the time of the meeting. Notice for first meeting.

LVIII. That in case such notice shall not be given, or the inhabitants of a District shall refuse or neglect to assemble or form a District meeting, when so notified, or in case any such District, having been formed and organized in pursuance of such notice, shall afterwards be dissolved so that no competent authority shall exist therein to call a special District meeting, in the manner hereinafter provided, such notice shall be renewed by the Commissioners, and served in the manner above prescribed. When to be renewed.

LIX. That every taxable inhabitant to whom notice of a District meeting shall have been properly delivered for service, who shall refuse or neglect to serve the notice in the manner above in this article enjoined, shall for every such offence forfeit the sum of one pound five shillings. Penalty for not serving notice.

LX. That whenever any District meeting shall be called in the manner prescribed in the preceding sections of this article, it shall be the duty of the inhabitants of the District, qualified to vote at District meetings, to assemble together at the time and place mentioned in the notice. Inhabitants, when to assemble.

Qualification of voters.

LXI. That no person shall vote at any School District meeting, unless he shall be a freeholder in the Township where he votes, or shall have been assessed the same year in which he votes, or the preceding year, to pay taxes therein, or shall possess personal property to the amount of twelve pounds ten shillings, liable to taxation in the District; and every person not so qualified, who shall vote at any such meeting, shall for each offence forfeit the sum of two pounds ten shillings.

Powers of District meetings

LXII. That the inhabitants so entitled to vote when so assembled in such District meeting, or when lawfully assembled at any other District meeting, shall have power, by a majority of the votes of those present—

1st. To appoint a moderator for the time being.

2nd. To adjourn from time to time, as occasion may require.

3rd. To choose a District Clerk, three Trustees, and one District Collector, at their first meeting, and as often as such offices or either of them become vacated.

4th. To designate a site for a District School House.

5th. To lay such tax on the taxable inhabitants of the District, as the meeting shall deem sufficient to purchase or lease a suitable site for a School House, and to keep in repair and furnish the same with necessary fuel and appendages.

6th. To repeal, alter, and modify their proceedings from time to time, as occasion may require.

Annual meeting.

LXIII. That in each School District an annual meeting shall be held, at the time and place previously appointed; at the first District meeting and at each annual meeting, the time and place of holding the next annual meeting shall be fixed.

Special meeting.

LXIV. That a special meeting shall be held in each District, whenever called by the Trustees; and the proceedings of no District meeting, annual or special, shall be held illegal, for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent.

Limitation of tax.

LXV. That no tax to be voted by a district meeting for building, hiring, or purchasing a School House shall exceed the sum of one hundred pounds, unless the Commissioners of Common Schools of the Township in which the School House is to be situated shall certify in writing their opinion that a larger sum ought to be raised, and shall specify the sum; in which case a sum not exceeding the sum so specified shall be raised.

Joint meeting of Commissioners.

LXVI. That if the Commissioners of Common Schools in any Township shall require in writing the attendance of the Commissioners of any other Township or Townships, at a joint meeting, for the purpose of altering a School District, formed from their respective Townships and a major part of the Commissioners notified shall refuse or neglect to attend, the Commissioners attending, by a majority of votes may call a special District meeting of such District for the purpose of deciding on such proposed alteration; and the decision of such meeting shall be as valid as if made by the Commissioners of all the Townships interested, but shall extend no further than to dissolve the District formed from such Townships.

Altering District, School House disposed of.

LXVII. That when a new District shall be formed from one or more Districts, possessed of a School House and in cases where any District from which such new District shall be in whole or in part formed, shall be entitled to other property than its School House, then the Commissioners of Common

Schools, at the time of forming such new District shall ascertain and determine the amount justly due to such new District, from any District out of which it may have been in whole or in part formed, as the proportion of such new District, of the value of the School House and other property belonging to the former District at the time of such division.

Proportion, how ascertained.

LXVIII. That such proportion shall be ascertained, according to the taxable property of the inhabitants of the respective parts of such former District, at the time of the division, by the best evidence in the power of the Commissioners; and deduction shall be made therein for any debts due from the former District.

How levied and applied.

LXIX. That such proportion when ascertained shall be levied, raised, and collected, with the fees for collection, by the Trustees of the District retaining the School House or other property of the former District, upon the taxable inhabitants of their District, in the same manner as if the same had been authorized by a vote of their District for the building of a School House; and when collected shall be paid to the Trustees of the new District; and the moneys so paid to the new District shall be allowed to the credit of the inhabitants who are taken from the former District, in reduction of any tax that may be imposed for erecting a School House.

District officers, tenure.

LXX. That the Clerk, Trustees, and Collector of each School District shall hold their respective offices until the annual meeting of such District next following the time of their appointment, and until others shall be elected in their places.

Vacancies, how filled.

LXXI. That in case any such office shall be vacated by the death, refusal to serve, removal out of the District, or incapacity of any such officer, and the vacancy shall not be supplied by a District meeting within one month thereafter, the Commissioners of Common Schools of the Town may appoint any person residing in such District to supply such vacancy.

Forfeiture.

LXXII. That every person duly chosen or appointed to any such office, who without sufficient cause shall refuse to serve therein, shall forfeit the sum of one pound five shillings; and every person so chosen or appointed, and not having refused to accept, who shall neglect to perform the duties of his office shall forfeit the sum of two pounds ten shillings.

Resignations.

LXXIII. That any person chosen or appointed to any such office may resign the same in this manner: any three Commissioners of the Court of Requests of a District may, for sufficient cause shown to them accept the resignation of any Township officer of their Township, or of any officer of a School District, and the acceptance of such resignation shall be a bar to the recovery of either of the penalties mentioned in the preceding section. The Commissioners of the Court of Requests accepting the resignation shall give notice thereof to the Clerk or to one of the Trustees of the School District to which the officer resigning shall belong.

Duty of District Clerk.

LXXIV. That it shall be the duty of the Clerk of each School District—

1. To record the proceedings of his District in a book to be provided for that purpose by the District, and to enter therein true copies of all reports made by the Trustees of his District to the Commissioners of Common Schools.

2. To give notice of the time and place for special District meetings, when the same shall be called by the Trustees of the District, to each inhabitant of such District liable to pay taxes, at least five days before such meeting shall be held, in the manner prescribed by this Act.

Adjourned meetings.

3. To affix a notice in writing of the time and place for any adjourned District meeting, when the same shall be adjourned for a longer time than one month, in at least four of the most public places of such District, at least five days before the time appointed for such adjourned meeting.

Notice of annual meetings.

4. To give the like notice of every annual District meeting.

5. To keep and preserve all records, books, and papers belonging to his office, and to deliver the same to his successor in office, in the manner and subject to the penalties provided by law, in relation to the Clerk of the Township.

Duty of Trustees.

LXXV. That it shall be the duty of the Trustees of every School District and they shall have power:—

1. To call special meetings of the inhabitants of such Districts liable to pay taxes, whenever they shall deem it necessary and proper.

2. To give notice of special, annual, and adjourned meetings, in the manner prescribed in the last preceding section, if there be no Clerk of the District, or he be absent or incapable of acting.

3. To make out a tax list of every District tax, voted by any such meeting, containing the names of all the taxable inhabitants residing in the District at the time of making out the list, and the amount of tax payable by each inhabitant set opposite to his name.

4. To annex to such tax list a warrant directed to the Collector of the District for the collection of the sums in such list mentioned, with five per cent. thereof for his fees.

5. To purchase or lease a site for the District School House, as designated by a meeting of the District, and to build, hire, or purchase, keep in repair and furnish such School House, with necessary fuel and appendages, out of the funds collected and paid to them for such purposes.

6. To have the custody and safe keeping of the District School House.

7. To contract with and employ all Teachers in the District.

8. To pay the wages of such Teachers when qualified out of the moneys which shall come into their hands from the Commissioners of Common Schools, so far as such moneys shall be sufficient for that purpose; and to collect the residue of such wages, excepting such sums as may have been collected by the Teachers from all persons liable therefor.

9. To divide the public moneys received by them whenever authorized by a vote of their District into not exceeding four portions for each year; to assign and apply one of such portions to each quarter or term during which a School shall be kept in such District, for the payment of the Teacher's wages during such quarter or term, and to collect the residue of such wages not paid by the proportion of public money allotted for that purpose from the persons liable therefor, as above provided.

10. To exempt from the payment of the wages of Teachers such indigent persons within the District as they shall think proper.

11. To certify such exemptions and deliver the certificate thereof to the Clerk of the District, to be kept on file in his office.

12. To ascertain, by examination of the School list kept by such Teachers, the number of days for which each person not so exempted shall be liable to pay for instruction, and the amount payable by each person.

13. To make out a rate bill containing the name of each person so liable, and the amount for which he is liable, adding thereto five per cent. of the sum due from him for Collector's fees, and to annex thereto a warrant for the collection thereof.

14. To deliver such rate bill, with the warrant annexed, to the Collector of the District, who shall execute the same in like manner with other warrants directed to him by them.

Taxes, how apportioned.

LXXVI. That in making out a tax list the Trustees shall apportion the tax on all the taxable inhabitants within their District, according to the valuations of the taxable property which shall be owned or possessed by them, at the time of making out the list, within the District, or which being intersected by the boundaries of the District, shall be owned or possessed by them, partly in such District and partly in any adjoining District; but where taxable property shall be owned by one inhabitant and possessed by another only one of them shall be taxed therefor.

Ib.

LXXVII. That any person owning or holding any real property within any School District, who shall improve and occupy the same by his agent or servant shall, in respect to the liability of such property to taxation, be considered a taxable inhabitant of such District, in the same manner as if he actually resided therein.

Ib.

LXXVIII. That if there shall be any real property within a District, cultivated and improved, but not occupied by a tenant or agent, and the owner of which shall not reside within the District, nor be liable to be taxed for the same in an adjoining District, such owner shall be taxable therefor in the same manner as if he were an inhabitant of the District; but no portion of such property, but such as shall be actually cleared and cultivated, shall be included in such taxation.

Valuation, how ascertained.

LXXIX. That the valuations of taxable property shall be ascertained as far as possible from the last assessment roll of the Township; and no person shall be entitled to any reduction in the valuation of such property as so ascertained, unless he shall give notice of his claim to such reduction to the Trustees of the District before the tax list shall be made out.

LXXX. That in every case where such reduction shall be duly claimed, and in every case where the valuation of taxable property cannot be ascertained from the last assessment roll of the Township, the Trustees shall ascertain the true value of the property to be taxed from the best evidence in their power, giving notice to the persons interested and proceeding in the same manner as the Township assessors are required by law to proceed in the valuations of taxable property.

Exemption in certain cases.

LXXXI. That every taxable inhabitant of a District, who shall have been within four years set off from any other District, by the Commissioners of Common Schools, without his consent, and shall, within that period, have actually paid in such other District, under a lawful assessment therein, a District tax for building a School House, shall be exempted by the trustees of the District where he shall reside, from the payment of any tax for building a School House therein.

Time of making tax list.

LXXXII. That every District tax shall be assessed and the tax list thereof be made out by the Trustees, within one month after the District meeting in which the tax shall have been voted.

Remedy for tenant against owner.

LXXXIII. That where any District tax for the purpose of purchasing a site for a School House, or for purchasing or building, keeping in repair or furnishing such School House with necessary fuel and appendages, shall be lawfully assessed and paid by any person, on account of any real property, whereof he is only tenant-at-will, or for three years, or for a less period of time, such tenant may charge the owner of such real estate with the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

Fuel, how provided.

LXXXIV. That when the necessary fuel for the School of any District shall not be provided by means of a tax on the inhabitants of the District, it shall be the duty of every person sending a child to the School to provide his just proportion of such fuel.

Proportion, how determined.

LXXXV. That the proportion of fuel which every person sending children to the School shall be liable to provide, shall be determined by the Trustees of the District, according to the number of children sent by each; but such indigent persons as in the judgment of the Trustees shall be unable to provide the same, shall be exempted from such liability.

When Trustees to furnish and charge delinquent.

LXXXVI. That when any person liable to provide fuel, shall omit to provide the same, on notice from any one of such Trustees, it shall be the duty of the Trustees to furnish such fuel and to charge the person so in default, the value of, or amount paid for the fuel furnished.

Ib.

LXXXVII. That such value or amount may be added to the rate bill of the moneys due for instruction, and may be collected therewith and in the same manner; or the Trustees may sue for and recover the same in their own names, with costs of suit.

Warrant.

LXXXVIII. That the warrant annexed to any tax list or rate bill, shall be under the hands and seals of the Trustees or a majority of them, and shall command the Collector to collect from every person in such tax list and rate bill named, the sum therein set opposite his name.

Ib.

LXXXIX. That the warrant annexed to any tax list for the collection of a District tax for erecting or repairing any School House, shall command the collector, in case any person named in such list shall not pay the sum therein set opposite his name, on demand, to levy the same of his goods and chattels, in the same manner as on warrants issued to the Collectors of Townships.

Trustees may renew or sue delinquent.

XC. That if the sum or sums of money payable to any person named in such tax list or rate bill shall not be paid by him or collected by such warrant within the time therein limited, it shall and may be lawful for the Trustees to renew such warrant in respect to such delinquent person; or in case such person shall not reside within their District at the time of making out a tax list or rate bill, or shall not reside therein at the expiration of such warrant, and no goods or chattels can be found therein, whereon to levy the same, the Trustees may sue for and recover the same in their name of office.

XCI. That if the moneys apportioned to a District by the Commissioners of Common Schools shall not have been paid, it shall be the duty of the Trustees thereof to bring a suit for the recovery of the same, with interest, against the Commissioners in whose hands the same shall be, or to pursue such other remedy for the recovery thereof as is or shall be given by law; and the moneys when recovered, shall be applied by them in the same manner as if they had been paid without suit.

Annual report of Trustees. How made

XCII. That the Trustees of each District School shall after the first day of January in every year, and on or before the first day of March thereafter, make out and transmit a report in writing to the Commissioners of Common Schools for such Township, dated on the first day of January, in the year in which it shall be transmitted.

Its contents.

XCIII. That every such report signed and certified by a majority of the Trustees making it, shall be delivered to the Township Clerk and shall specify—

1. The whole time any School has been kept in their district, during the year ending on the day previous to the date of such report, and distinguishing what portion of the time such School has been kept by qualified Teachers.

2. The amount of moneys received from the Commissioners of Common Schools during such year, and the manner in which such moneys have been expended.

3. The number of children taught in the District during such year.

4. The number of children residing in the District on the last day of December previous to the making of such report, over the age of five years, and under sixteen years of age (except Indian children otherwise provided for by law), and the names of the parents or other persons with whom such children shall respectively reside, and the number of children residing within each.

Qualified teachers.

XCIV. That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not have received, and shall not then hold a certificate of qualification, dated within one year, from the Inspectors of Common Schools for the Township in which he shall be employed.

District formed from two Townships, how to report

XCV. That where a School District is formed out of two or more adjoining Townships, it shall be the duty of the Trustees of such District, to make and transmit a report to the Commissioners of Common Schools for each of the Townships out of which such District shall be formed, within the same time and in the same manner, as is required in this Act; distinguishing the number of children over the age of five and under sixteen years, residing in each part of a District, which shall be in a different Township from the other parts, and the number of children taught, and the amount of School moneys received for each part of the District.

Separate neighbourhoods, how to report

XCVI. That where any neighbourhood shall be set off by itself, the inhabitants of each separate neighbourhood shall annually meet together, and choose one Trustee; whose duty it shall be every year, within the time limited for making District reports, to make and transmit a report, in writing, bearing date on the first day of January, of the year in which it shall be transmitted, to the Commissioners of Common Schools of the Township, from which such neighbourhood shall be set off, specifying the number of children over the age of five and under sixteen years, residing in such neighbourhood; the amount of moneys received from the Commissioners since the date of his last report, and the manner in which the same have been expended.

Penalty for false reports.

XCVII. That every Trustee of a School District, or separate neighbourhood, who shall sign a false report to the Commissioners of Common Schools of his Township, with the intent of causing such Commissioners to apportion and pay to his District or neighbourhood a larger sum than its just proportion of the School moneys of the Township, shall, for each offence, forfeit the sum of six pounds five shillings, and shall also be deemed guilty of misdemeanor.

Property of Districts, how held

XCVIII. That all property now vested in the Trustees of any School District, for the use of Schools in the District, or which may be hereafter transferred to such Trustees for that purpose, shall be held by them as a corporation.

Trustees to account.

XCIX. That the Trustees of each School District shall on the expiration of their offices, render to their successors in office, and to the District, at a District meeting, a just and true account, in writing, of all moneys received

by them respectively, for the use of their District, and of the manner in which the same shall have been expended; which account shall be delivered to the District Clerk, and be filed by him.

Balance paid to successors.

C. That any balance of such moneys which shall appear from such account to remain in the hands of the Trustees, or either of them, at the time of rendering the account, shall immediately be paid to some one or more of their successors in office.

Forfeitures for negligence.

CI. That every Trustee who shall refuse or neglect to render such account, or to pay over any balance so found in hands, shall, for each offence, forfeit the sum of six pounds five shillings.

How prosecuted.

CII. That it shall be the duty of his successors in office to prosecute without delay in their name of office, for the recovery of such forfeiture, and the moneys recovered shall be applied by them to the use and benefit of their District School.

Remedy against former Trustees.

CIII. That such successors shall also have the same remedies for the recovery of an unpaid balance in the hands of a former Trustee, or his representatives, as are given to the Commissioners of Common Schools against a former Commissioner and his representatives; and the moneys recovered shall be applied by them to the use of their District, in the same manner as if they had been paid without suit.

Bonds to be delivered.

CIV. That all bonds or securities, taken by the Trustees from the collectors of their District, shall on the expiration of their office be delivered over by them to their successors in office.

Fees of collection.

CV. That the Collector of each District shall be allowed five per cent. on all sums collected and paid over by him.

His duty in collecting tax.

CVI. That it shall be his duty to collect and pay over to the Trustees of his District, some or one of them, all moneys which he shall be required by warrant to collect, within the time limited in each warrant for its return, and to take the receipt of such Trustee or Trustees for payment.

To give bond.

CVII. That every Collector of a School District shall before receiving any warrant for the collection of moneys execute a bond to the Trustees of his District when required by them, in their corporate name, with one or more sureties, to be approved by one or more of the Trustees, in double the amount of taxes to be collected, conditioned for the due and faithful execution of the duties of his office.

If not, how to proceed.

CVIII. That if any Collector shall not execute such bond within the time allowed him by the Trustees for that purpose, which shall not be less than ten days, his office shall be vacated, and the Trustees may appoint any other person residing in the District, as Collector in his place.

Forfeiture for neglect.

CIX. That if, by the neglect of the Collector, any moneys shall be lost to his District, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to his District the full amount of the moneys thus lost, and shall account for and pay over the same to the Trustees of his District, in the same manner as if they had been collected.

Trustees may sue.

CX. That for the recovery of all forfeitures, and of balances in the hands of a Collector which he shall have neglected to pay over, the Trustees of the District may sue in their name of office; and shall be entitled to recover the same with interest and costs, and the moneys recovered shall be applied by them in the same manner as if paid without suit.

CXI. That any person considering himself aggrieved in consequence of any decision made:— Appeal to superintendents.

1. By any School District meeting.

2. By the Commissioners of Common Schools, in the forming or altering, or in refusing to form or alter any School District, or in refusing to pay any School moneys to any such District.

3. By the Trustees of any District in paying any Teacher or refusing to admit any scholar gratuitously into any School.

4. Or concerning any other matter under the present article;

May appeal to the Superintendent of Common Schools, whose decision thereon shall be final.

CXII. That it shall be the duty of each Clerk of the Peace for the District, between the first day of October, and the first day of December, in every year, to make and transmit to the Superintendent of Common Schools, a report, in writing, containing the whole number of Townships in his District, distinguishing the Townships from which the necessary reports have been made to him by the Commissioners of Common Schools, and containing a certified copy of all such reports. Of certain duties of the Clerk of the Peace for the District.

CXIII. That every Clerk of the Peace who shall refuse or neglect to make such report, within the period so limited, shall, for each offence, forfeit the sum of twenty-five pounds to the use of the School fund of the Province. Penalty for neglect.

CXIV. That it shall be the duty of the Superintendent of Common Schools to prosecute without delay, in his name of office, for such forfeitures, and to pay the moneys recovered, into the treasury of the Province, to the credit of the School fund. How prosecuted and applied.

CXV. That it shall be the duty of each Clerk of the Peace, after the first day of October in every year, in case the Commissioners of Common Schools of any Township in his District shall have neglected to make to him their Annual Report, to give notice of such neglect to the Clerk of the Township who shall immediately assemble such Commissioners for the purpose of making their report. Notice to Clerks of Townships.

CXVI. That whenever a School House shall have been built, or purchased for a District, the site of such School House shall not be changed, nor the building thereon be removed, as long as the District shall remain unaltered, unless by the consent in writing, of the Commissioners of Common Schools, or a majority of them, of the Township or Townships within which such District shall be situated, stating that in their opinion such removal is necessary; nor then, unless two-thirds of all those present at a special meeting of such District, called for that purpose and qualified to vote therein, shall vote for such removal and in favour of such new site. Site of School House, how changed.

CXVII. That such vote shall be taken by ayes and nays, and the same of each voter with the vote that he shall give, shall be entered by the Clerk in the records of such School District. Vote of ayes and nays.

CXVIII. That every notice of a District meeting called in pursuance of the Act, shall state the purpose for which such meeting is called. Notices.

CXIX. That whenever a site of a School House shall have been changed as herein provided, by the inhabitants of the District; entitled to vote, lawfully assembled at any District meeting, such meeting shall have power, by a majority of the votes of those present, to direct the sale of the former site Sale of School lot and building.

or lot, and the buildings thereon, and appurtenances, or any part thereof, at such price and upon such terms as they shall deem most advantageous to the District, and any deed duly executed by the Trustees of such District, or a majority of them, in pursuance of such direction shall be valid and effectual to pass all the estates or interest of such School District, in the premises intended to be conveyed thereby, to the grantee named in such deed; and when a credit shall be directed to be given upon such sale, for the consideration money, or any part thereof, the Trustees are hereby authorized to take, in their corporate name, such security by bond and mortgage, or otherwise, for the payment thereof, as they shall deem best, and shall hold the same as a corporation, and account therefor to their successors in office and to the District, in the manner they are now required by law to account for moneys received by them; and the Trustees of any such District for the time being may, in their name of office, sue for and recover the moneys due and unpaid upon any security so taken by them or their predecessors in office, with interest and costs.

Avails how to be applied.

CXX. That all moneys arising from any sale made in pursuance of the last preceding section, shall be appropriated to the payment of the expenses incurred in procuring a new site, and in removing or erecting a School House, or either of them, so far as such application thereof shall be necessary.

Provision for educating male and female Teachers.

CXXI. That whenever the permanently available School funds of this Province shall exceed ten thousand pounds per annum by not less than one thousand pounds, one thousand pounds annually shall be set apart and appropriated by the Superintendent towards the endowment and support of four Schools in this Province for the education of Teachers, three of which shall be for the education and qualification of male Teachers, and one for the education and qualification of female Teachers within this Province; and that the same shall be located in such parts of the Province as shall be provided by some future Act of the Legislature.

Garden, etc. plot provided for

CXXII. That it shall and may be lawful for any School District in any Township in this Province, when two-thirds of the taxable inhabitants of that School District shall think fit, and shall by their vote, authorize the levying and collecting a tax for the same, to the amount of any sum, not exceeding one hundred pounds, except as is provided for raising a larger sum than one hundred pounds for building a School House, to be raised, levied and collected in the same manner as the tax for building a School House is, by this Act authorized to be raised, levied and collected; to authorize the Trustees of such School District to raise, levy and collect the moneys as voted, and therewith to purchase or lease a lot or parcel of land, farming utensils, seeds, grains and grasses for the use, benefit and behoof of that District, for the use of the Teachers of the School, or to be annually apportioned among the scholars of the School; or otherwise employed and occupied, for the profit and instruction of the School or parts thereof, in horticulture, agriculture, or otherwise, growing plants, fruits, grasses and grains, as the Trustees together with the School Teacher for the time being may think fit; and the avails and profits thereof to be applied, laid out, given and expended in the advancement of the true interests of that School District, to the scholars cultivating the same or otherwise, according to just and equitable principles as the said Trustees, together with the Teacher may think fit.

Mechanical arts.

CXXIII. That it shall and may be lawful for any School District in any Township in this Province, when two-thirds of the taxable inhabitants of that School District shall think fit, and shall by their vote authorize the levying

and collecting a tax for the same to the amount of any sum not exceeding one hundred pounds, excepting as is provided in the preceding section to be raised, levied and collected, in the same manner as the tax for building a School House is by this Act authorized to be raised, levied and collected, to authorize the Trustees of such School District, to raise, levy, and collect the moneys so voted, and therewith to purchase or lease any shop, work-house, mechanical tools and materials, for the purpose of enabling the scholars of the School taught in that District profitably to employ a portion of their time in acquiring a knowledge of such mechanical skill, art, business or profession, as the Trustees together with the School Teacher of such District shall think fit, and to apply the profits of the business to the best interests of the District as they may deem expedient.

CXXIV. That this Act shall take effect immediately after its passage. Act when to take effect

BILL FOR THE ESTABLISHMENT AND ENCOURAGEMENT OF PROVINCIAL SEMINARIES AND COMMON SCHOOLS, 1836.

The following is a copy of the Bill for the establishment and Endowment of Provincial Seminaries and Common Schools:*

WHEREAS, it is expedient that more effectually to promote the cause of Education, and for the better encouragement of learning, to make provision for the establishment and support of minor classical Institutions throughout this Province. Be it therefore enacted, etc.

That from and after the first day of January, 1837, the several laws now in force in this Province relating to the District (Grammar) Schools, within the same are hereby repealed.

2. *And be it enacted.*—That when the inhabitants of any Town, Township, Village, or place, shall meet together and enter into subscriptions by stock, and build, or otherwise obtain, a School House, to be called a Provincial Seminary, the same shall be endowed with £————, annually, to be paid out of the Treasury of this Province, or from money that may be derived from School Lands, or any other source that may be devised by the Legislature of this Province.

Provided always, nevertheless, that each Provincial Seminary, so to be built, shall be in a Town, Township, Village, or place, where there shall be resident, at least one hundred children between the ages of four and sixteen years, and within the distance of one mile and a half from the said Seminary, and shall not be within the distance of ten miles from any such Seminary previously built;

And provided also, the inhabitants of such Town, Township, Village, or place, and the Trustees of each such Seminary, shall comply with the several clauses and provisions of this Act:

Provided always, that no district shall be entitled to more than three such Seminaries.

3. *And be it enacted.*—That, before the inhabitants of any Town, Township, Village, or place, shall be entitled to the benefits and privileges of this Act, they shall erect and build a good and substantial Seminary, not less than two storeys in height, and fifty feet long, by thirty feet in breadth, furnished with a cupola and spire, and furnished with a suitable bell.

* The title of this Bill is like that one introduced into the House of Assembly by Mr. George Rykert, and dropped by a Committee of the Whole on the 29th of January, 1836. It is possible that the dropped Bill may have been taken up by the Select Committee of the House of Education and reintroduced by that Committee to the House on the 30th of March, 1836. The titles of both Bills were almost identical.

4. *And be it enacted.*—That as soon as such Seminary shall be erected and furnished, it shall and may be lawful for the subscribers, or stockholders, to meet together in the said Seminary; and at such meeting shall be chosen by ballot, from amongst the subscribers, or stockholders, by a majority of them then and there present, voting by shares, as hereinafter provided, five Trustees; three of whom shall be a quorum for transacting all business relating to the said Seminary; and that after the first meeting and election of Trustees, each succeeding meeting of the subscribers, or stockholders, for the election of Trustees, shall be held at the said Seminary, on the first Monday in May of each and every year; and no person sha'l be elected to be a Trustee of the said Seminary, unless he shall have resided in the District where such Seminary shall be erected, for the space of three years next before such election.

5. *And be it enacted.*—That the said Trustees shall appoint a Treasurer, who shall enter into bonds with two sureties, made to the said Trustees and their successors in office, for the due fulfilment of his office, and shall also appoint a Secretary, and other necessary officers; make such by-laws, and transact such other matters as to the said Trustees shall appertain to do; and it shall be the duty of the Trustees for the time being, to give public notice, at least two weeks previous to the annual meeting of the stockholders, on the first Monday in May, in each year; and also the said Treasurer, Secretary, or other Officers shall be liable to be removed by the said Trustees, or by a majority of them, for any neglect or misconduct in their offices, and others may be appointed to their places by the said Trustees.

6. *And be it enacted.*—That the said Trustees of each such Seminary as shall be built under the provisions of this Act, and their successors, to be chosen as aforesaid, shall be, and they are hereby declared to be, a body corporate and politic, in deed and in law, by the names of the Trustees of such Provincial Seminary, of the name of the Town, Township, Village, or place, where the same shall be erected; and shall have perpetual succession and a common seal, with power to change, alter, break or make new the same; and they and their successors, by such name, may sue and be sued, defend and be defended, in all courts whatsoever, in all manner of actions, suits, complaint, matters and causes whatsoever; and also, that they and their successors, by such name, shall be in law capable of purchasing, having and holding, to them and their successors, for the use and benefit of each of the said Seminaries, five acres of land, with the tenements, and hereditaments thereunto appertaining; and also all goods and chattels for the purposes of said stockholders, and for no other purpose whatsoever; and the said Trustees and their successors, or the majority of them, shall have full power to pay and dispose of the revenues, and manage the said estate and affairs of the stockholders in each of the said Seminaries, in such manner as they may judge will best promote the object of the Institution.

7. *And be it enacted.*—That a share in the stock of each of the said Seminaries shall be of the value of ————; and each stockholder shall be entitled to a number of votes proportioned to the number of shares which he, she or they, shall hold in his, her or their names, at least three months prior to the time of voting, according to the following ratios, that is to say—one vote for each share not exceeding three; four votes for six shares; five votes for eight shares; six votes for ten shares; and one vote for every five shares over ten; and also that the shares of stock in the said Seminary shall be transferable, and may be, from time to time, transferred by the respective persons so subscribing and afterwards holding the same;

Provided, that such transfer, or transfers, shall be entered in a Book, or Books, kept for that purpose by the Secretary; to which Books, and all other records of the proceedings of the Trustees, every stockholder shall, at all times, have free access.

8. *And be it enacted.*—That it shall be the duty of the Trustees, at every meeting appointed for the election of Trustees, and previous to proceeding to the election, to give an exact and particular statement of the affairs of the said Seminaries to the stockholders then present.

9. *And be it enacted.*—That it shall and may be lawful, at any time, when the Trustees shall wish to call an extra meeting of the stockholders, to give notice as above stated, to take into consideration any further measures connected with the School, or interests of the said Seminaries.

10. *And be it enacted.*—That, in case any vacancy, or vacancies, shall at any time happen, or accrue to the Trustees, Treasurer, Secretary, or other Officers, by death, resignation or removal from the District, the same shall be filled for the remainder of the period of service by such person, or persons, as the majority of the Trustees may appoint.

11. *And be it enacted.*—That it shall not be lawful for any, or either of the said corporations, to hold stock, property or effects, for the purposes aforesaid, to a larger amount than ———— pounds.

12. *And be it enacted.*—That, so soon as any Seminary shall be erected and finished in any Town, Township, Village or place, where there shall be resident such number of children as aforesaid, and Trustees elected for the same, the said Trustees shall immediately report the same; designating the place where such Seminary shall have been built, and that the same has been completed according to this Act, and their intention of applying for the annual endowment, and otherwise complying with the provisions of this Act.

13. *And be it enacted.*—That the said Trustees of every such Provincial Seminary shall make an annual report to the Governor, Lieutenant-Governor, or Person, administering the Government for the time being, stating the number of children taught, their progress in the different branches; and that the Teachers continue to sustain a good moral character; together with all such other information touching the prosperity of the said Provincial Seminaries as shall be deemed necessary; and if the said Trustees, or any of them, of any such Seminary, shall wilfully make a false Report or Statement, for the purpose of obtaining the Endowment, they shall not only be liable to repay the money if they had received it, but shall also, each one who may be found guilty of making such Report or Statement for the purpose aforesaid, or of signing the same with such intent, be fined the sum of £————, with costs, to be recovered upon the oath of one or more credible witnesses, before any two of His Majesty's Justices of the Peace, the same to be levied of the goods and chattels of the offender: and the money, so recovered, shall be paid by the said Justices into the hands of the Receiver-General, to be applied as other moneys for the use of this Province.

14. *And be it enacted.*—That each Seminary so to be erected, as aforesaid, shall be furnished with three or more Teachers—a Principal and two Assistants—one of whom shall be a female, to be appointed as hereinafter mentioned; that the Principal shall be well qualified to teach the classics, mathematics, and the English branches of Education, so as to prepare pupils for any class in College. The female Assistant shall be well qualified to instruct in all the essential branches of female Education, comprising Spelling, Reading, Writing, Arithmetic, English Grammar, Geography, Projecting Maps, History and the rudiments of Rhetoric and of Natural and Moral Philosophy. The male Assistant shall be qualified to teach Spelling, Reading, Writing, Arithmetic, English Grammar and Geography, and shall take charge of the smaller children of both sexes in the said Seminary; and also that each Teacher shall have a separate room for his or her class; and the Principal shall have the charge and superintendence of the whole.

15. *And be it enacted*, That if at any time there should be more pupils in attendance at any one of the said Seminaries than can be well taught, or accommodated, it shall be the duty of the Trustees to decide who shall be taught; but, in all cases, to give the preference to the children of the stockholders of said Seminary.

16. *And be it enacted*, That no person, either male or female, shall be deemed qualified to hold the situation of Assistant Teacher in the said Seminaries, nor shall the Trustees appoint any, unless he, or she, shall produce satisfactory testimonials of his, or her, good moral character, and shall pass an examination by the Principal of some of

the said Seminaries, who shall grant a certificate of such examination, and such certificate shall continue as a license to him, or her, no longer than he, or she, shall sustain a good moral character; and which certificate shall be a sufficient license to the person obtaining the same, to apply for and receive of the Trustees of any Seminary such situation as Assistant.

17. *And be it enacted*, That the moneys hereby granted for the support of Schools in such Seminaries as shall be built according to the provisions of this Act, shall be paid by the Receiver-General for the time being into the hands of the Treasurer of each Seminary so built, and conducted as hereinafter enacted, in discharge of such warrant, or warrants, as shall, or may, from time to time, be issued by the Governor, Lieutenant-Governor, or Person administering the Government of this Province for the time being, and shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners to His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

SCHOOL BILLS RESERVED FOR HIS MAJESTY'S PLEASURE THEREON, 1836.

November 29th, 1836.—A message was received from the Lieutenant-Governor by the hands of Mr. Secretary Joseph, as follows:

At the Court of St. James's, 19th day August, 1836.

His Majesty was this day pleased, by and with the advice of His Privy Council, to declare His Special Confirmation of the following, among other reserved Bills, videlicet:

6TH WILLIAM IV., CHAPTER LI.

AN ACT TO AUTHORIZE THE PAYMENT TO THE TREASURER OF THE DISTRICT OF OTTAWA OF THE APPROPRIATION TOWARDS THE SUPPORT OF COMMON SCHOOLS IN SAID DISTRICT FOR THE YEARS 1835 AND 1836.

Sir Francis Bond Head, Lieutenant-Governor.

[Passed by the Upper Canada Legislature on the 20th of April, 1836. Royal Assent given by Message from the Lieutenant-Governor to the Legislature 28th November, 1836.]

MOST GRACIOUS SOVEREIGN:

Preamble. Whereas in consequence of the omission of the Treasurer of the District of Ottawa to render an account of the sums heretofore advanced on account of that District for the use of Common Schools, therein, no further sum can, by law, be paid to the said District of Ottawa, for the support of Common Schools within the same. And whereas it is expedient to relieve the said District of Ottawa from the difficulty aforesaid; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed

Act 14, George III., recited. in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the

5th clause of 60 George III. repealed. fifth clause of the Act passed in the sixtieth year of the reign of our late Sovereign Lord King George the Third, entitled "An Act to amend and con-

tinue under certain modifications an Act passed in the fifty-sixth year of His Majesty's reign, entitled 'An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulation of the said Common Schools,'" be repealed so far as to authorize the Governor, Lieutenant-Governor or person administering the Government of this Province, to issue his Warrant on the Receiver-General of this Province, in favor of the Treasurer of the said District for such sum as for the years of our Lord One Thousand Eight Hundred and Thirty-five and One Thousand Eight Hundred and Thirty-six, the said District of Ottawa would be entitled to receive for the support of Common Schools therein, if the Treasurer of the said District had accounted for the sums of money heretofore advanced for that object; Provided always, that no sum shall be advanced after the expiration of the said year, One Thousand Eight Hundred and Thirty-six, unless the Treasurer of the District shall duly account for the money to be advanced as aforesaid, under and by virtue of the provisions in this Act contained.

Limitation of repeal.

Common School grant 1835 & 1836.

Condition of grant.

6TH WILLIAM IV., CHAPTER LII.

AN ACT TO PROVIDE ADDITIONAL AID IN SUPPORT OF COMMON SCHOOLS IN THE SEVERAL DISTRICTS OF THIS PROVINCE.

Sir Francis Bond Head, Lieutenant-Governor.

[Passed by the Upper Canada Legislature on the 20th of April, 1836. Royal Assent given by Message from the Lieutenant-Governor to the Legislature on the 28th of November, 1836.]

MOST GRACIOUS SOVEREIGN:

Whereas it is expedient to grant a sum of money for the support of Common Schools in the several Districts of this Province; may it please your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by authority of the same.

Preamble.

Act 14, George III. cited.

That from and out of the Rates and Duties now raised, levied and collected, or hereafter to be raised, levied and collected to and for the uses of this Province, in the hands of the Receiver-General, unappropriated, there be granted to His Majesty for the use of Common Schools in this Province, for the year One Thousand Eight Hundred and Thirty-six, the sum of Five Thousand Six Hundred and Fifty Pounds, in addition to sums now appropriated by Law, to be applied in the same way and manner and in conjunction with the present sums for Common Schools granted by Act of Parliament, which sum of Five Thousand Six Hundred and Fifty Pounds shall be appropriated among the several Districts of this Province, as follows, that is to say: To the Ottawa District the sum of One Hundred Pounds; the Eastern District the sum of Five Hundred Pounds; to the Johnstown District the sum of Five Hundred Pounds; to the Bathurst District the sum of Five Hundred Pounds; to the Midland District the sum of Five Hundred and Fifty Pounds; to the Prince Edward District the sum of Two Hundred

£5,650 in 1836.

Additional grant to Common Schools.

Grants to various Districts: Ottawa, Eastern, Johnstown, Bathurst, Midland, Prince Edward, Newcastle, Home, Gore, Niagara, London, Western.

Pounds; to the Newcastle District the sum of Five Hundred Pounds; to the Home District the sum of Seven Hundred and Fifty Pounds; to the Gore District the sum of Six Hundred Pounds; to the Niagara District the sum of Five Hundred Pounds; to the London District the sum of Six Hundred Pounds; to the Western District the sum of Three Hundred and Fifty Pounds.

Warrants.

II. *And be it further enacted*, etc., That the said sum of Five Thousand Six Hundred and Fifty Pounds shall be paid by the Receiver-General of this Province, in discharge of such Warrants as may, for that purpose, be issued by the Governor, Lieutenant-Governor or Person administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

To be accounted for.

Condition.

III. *And be it further enacted*, etc., That during the year aforesaid it shall not be lawful for the Board of Education in each District of this Province to grant any Teacher of a Common School the annual allowance, unless the Trustees of the said School shall make it appear to the satisfaction of the Board of Education that they have made provision for his support, so as to secure him for his services, in a sum at least equal to double the amount which may be allotted by the Board of Education from the Public money, any thing to the contrary notwithstanding.

Provision for support of Teacher.

Allowance to Clerks.

IV. *And be it further enacted*, etc., That it shall and may be lawful to and for the Board of Education in each and every District to allow the Clerks of their respective Boards, in addition to the sum they are now by Law authorized to receive, the further sum of Five Pounds annually, during the continuance of this Act.

SPECIAL REPORT OF A COMMISSION, ISSUED BY SIR GEORGE ARTHUR TO INQUIRE INTO THE STATE OF EDUCATION IN UPPER CANADA IN 1839.

In addition to his arraignment of the "official party," in its administration of public affairs, Lord Durham, the then Governor-General of Canada, made the following caustic remarks upon the mental and social condition of the people of Upper Canada, chiefly owing to the absence of proper educational influences, and the existence of but few schools, and these of a "very inferior character." He said—

A very considerable portion of the Province of Upper Canada has neither Roads, Post Offices, Mills, Schools, nor Churches. The people may raise enough for their own subsistence, and may even have a rude and comfortless plenty, but they can seldom acquire wealth; nor can even wealthy landowners prevent their children from growing up ignorant and boorish, and from occupying a far lower mental, moral and social position than they themselves fill. . . By the Lands, which were originally appropriated by the King for the support of Grammar Schools throughout the Country, by far the most valuable portion has been diverted to the endowment of the University, from which those only derive any benefit who reside in Toronto, or those who, having a large assured income, are enabled to maintain their children in that Town at an expense, which has been estimated at £50 per annum for each child. Even in the most thickly peopled Dis-

tricts there are but few Schools, and those of a very inferior character; while the more remote settlements are almost entirely without any.*

It is not improbable that this statement of Lord Durham, in regard to the absence of proper, or even of any, schools for the children of the inhabitants, may have induced Sir George Arthur, when issuing his Commission to enquire into the administration of the Public Departments, to direct that a Committee of the Commissioners should minutely inquire into the condition of Education in the Province, and suggest a "plan" by which the state of affairs, described by Lord Durham, might be wholly changed, and that a decided improvement in the character of the Schools be effected, as the result of their proposed "plan."

Lord Durham's Report was laid before the British Parliament, and printed, in February, 1839. It was afterwards reprinted in Toronto by Mr. (afterwards Sir) Francis Hincks. The Address of the House of Assembly asking for an investigation into the Public Departments, was presented to Sir George Arthur in May.

In compliance, therefore, with the Address of the House of Assembly, passed in May, 1839, the Lieutenant Governor, Sir George Arthur, issued the Commission, directing the Commissioners to inquire into, and report on, the several Departments of the Government. The Commissioners were divided into several Committees, to each of which was assigned a Department, on the business of which the Committee was to report. The Committee on Education was composed of the Reverend John McCaul, LL.D., the Reverend Henry James Grasett, B.A., and Samuel Bealy Harrison, Esquire, the Civil Secretary.

It is interesting to note the fact that two of these three gentlemen became Members of the "Board of Education for Upper Canada," appointed at the suggestion of the Reverend Doctor Ryerson in 1846, and each of the three subsequently became a Member of the "Council of Public Instruction for Upper Canada," appointed in 1850, also the Very Reverend Henry James Grasett, D.D., (Cantab), Dean of Toronto, and the Honourable Samuel Bealy Harrison, Judge of the Home District. The Reverend John McCaul, LL.D., President of the University of Toronto, was also a Member of the Council.

The duty of this Education Committee of the Commissioners was thus defined by Sir George Arthur:—

1. The Committee will ascertain the state of all School Funds; the extent to which they may be made available for their legitimate objects; and will state the amount of such additional aid as may be requisite to carry into effectual operation an enlarged scheme of popular Education.

2. They will examine into the past and present state of Education throughout the Province, and into the efficiency of the means for promoting it, which have hitherto been employed.

3. They will frame such a Plan as will appear to them to be the best possible kind of Education for the community, at the least possible expense; and will prepare the same, so as to allow of a Bill, which shall embody it, being submitted to the Legislature at their next meeting.

4. They will institute an inquiry with reference to the Constitution of King's College University, and also to the Lands forming its endowment,—the Revenue derived from them, and the objects to which it has been applied; stating also, how, in future, it may be most beneficially employed.

* Page 66 of Lord Durham's Report, printed by order of the Imperial Parliament

5. As the object of the appointment of the Commission is to investigate generally all matters of public interest connected with the several Departments, this Committee will understand that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the spirit of the same, they are to pursue any course of investigation which may appear to them expedient.

By Command of His Excellency:

GOVERNMENT HOUSE, Toronto, 22nd October, 1839. R. A. TUCKER, *Secretary.*

This Report of the Education Commissioners is valuable for the full details which it gives, and for the comparative comprehensiveness of the view taken by the Commissioners, and those whom it consulted, on the state of Education in Upper Canada in 1839—its incompleteness and defects.

An additional interest and value attaches to this Report, for the fact that, in reply to questions put by the Commissioners, the opinions and views of noted men of the time—the Right Reverend Bishop Strachan, the Honourable Messieurs William Morris, James Crooks and Adam Ferguson, Peter Boyle de Blacquiere; Messieurs William Hamilton Merritt, Mahlon Burwell, George Strange Boulton and William Craigie; and the Reverend Messieurs John Roaf, Robert McGill and Robert Murray, M.A., were obtained. The Reverend Robert Murray was the first Superintendent of Education for Upper Canada, from 1842 to 1844. He was succeeded by the Reverend Egerton Ryerson, D.D.,LL.D., who was Chief Superintendent of Education for the Province, from 1844 to 1876.

REPORT OF THE COMMITTEE OF COMMISSIONERS ON EDUCATION IN UPPER CANADA, 1839.

The subjects to which the Committee on Education were instructed to direct their attention may be classed under the following Heads:—

I. The Past and Present State of Education in the Province.
II. The State of the Provincial School Funds.
III. The Constitution and Revenues of King's College.
IV. The Constitution of a "Plan" for the diffusion of Education in Upper Canada.

FIRST—THE PAST AND PRESENT STATE OF EDUCATION IN THE PROVINCE.

The Provincial Legislature manifested at a very early period their conviction of the necessity of making provision for so important an element in a nation's prosperity as the education of her youth.

In the year 1797, both Houses of the Legislature united in petitioning His Majesty for the appropriation of a certain portion of the Waste Lands of the Crown, as a fund for the establishment and support of a respectable Grammar School in each District, and also of a College, or University, for the instruction of youth in the different branches of liberal knowledge.

In the year 1807, an Act was passed, providing that the sum of Eight Hundred Pounds, (£800,) should be annually, (for four years,) paid for the establishment of Public District (Grammar) Schools.

The clauses of this Act provided that there should be one Public (Grammar) School in every District: That One Hundred Pounds, (£100,) should be paid annually to the Teacher of such Public (Grammar) School;—it appointed the places where these Schools were to be established,—gave authority to the Lieutenant-Governor to appoint Trustees, —gave the nomination of the Teacher to these Trustees, subject to the approval, or dis-

approval, of the Governor,—also the power of removing, and nomination to the same, with the same restrictions; also the power of making Rules and Regulations respecting said Schools.

It is to this Act that we are to trace the establishment of the District (Grammar) Schools, which, although they have not effected all that was expected, yet they have been the instruments of effecting much good.*

In the year 1808, the Legislature seem to have been so impressed with the importance of this,—their first step towards making a pecuniary provision for National Education,—that we find the clause repealed which limited the duration of the Act of 1807 to four years.

First Act for the Establishment of Common Schools in Upper Canada, 1816.†

But the wants of the humbler classes of society demanded attention; accordingly, in the year 1816, an Act was passed for the establishment of Common Schools. The clauses of this Act provided that during its continuance, Six Thousand Pounds, (£6,000,) should be annually paid for this object (to be divided among the Districts). The third clause provides, that, when a competent number of persons shall unite and build a School House, furnish twenty scholars, and, in part, provide for the payment of a Teacher, such persons, giving eight days' notice, might meet and appoint three fit persons as Trustees to the said School; which Trustees were to have the power to appoint a Teacher of said Common School. Power also was given to the Trustees to remove the Teachers, and nominate others; such removal, however, being subject to the approval of the District Board of Education. The same are authorized to make rules for the government of the Schools, which, however, may be rescinded by the District Board of Education, to whom a quarterly Report is directed to be made, stating the Books used, and the Rules and Regulations adopted.

Provision was also made regarding the Teacher,—that he should be a British Subject by birth, naturalization, or conquest, or should have taken the oath of allegiance. This Act further directs that an Annual Report should be rendered to the District Board of Education, which Board was to be composed of five fit persons, appointed by the Lieutenant-Governor. Authority was given to this Board to proportion the money for the Schools, provided always, that no allowance shall exceed the sum of Twenty-five pounds, (£25,) annually. The Treasurer of the District was authorized to pay this allowance on these conditions: (1) receiving a Certificate signed by the Trustees, of the good conduct of the Teacher during six months, and (2) the number of scholars, not being less than twenty.

The Additional Grammar School Act of 1819.

In the year 1819, the Act for the establishment of Public Grammar Schools again engaged the attention of the Legislature. It was then deemed expedient to make further provisions for the efficiency of these Schools. It was directed that an annual examination should be held, at which the Teachers, or a majority of them, should assist; that

* The Act will be found on pages 60 and 61 of the First Volume of Documentary History. Reference was made to the circumstances under which this Act was passed, in the Address of the Reverend Doctor Strachan, at the opening of King's College in 1842. Speaking on this subject, in the *Memoir* of Bishop Strachan, the Reverend Doctor Bethune says: "In 1807, mainly through the exertions of Doctor Strachan, an Act was passed for the establishment of a Grammar School in each District of the Province; and very soon, three Superior Schools—at Cornwall, Kingston and Niagara—were in successful operation. In process of time, similar Schools were established in the capital Towns of the other Districts of Upper Canada." (*Memoir of Bishop Strachan*, page 105.)

† The reasons for the passing of this first Common School Bill in 1816 are given in the Report of a Select Committee of the House of Assembly, dated the 27th of February, 1816. That Report is printed on page 95 of the First Volume of Documentary History of Education in Upper Canada, and the Act itself on pages 102-104.

annual Reports should be rendered by the Trustees; that free education should be given in each school to ten children of the poorer inhabitants, elected by ballot; that Teachers, hereafter, should not receive more than Fifty pounds (£50) a year, unless the average number of scholars exceeded ten. It was further directed that Certificates should be given to Teachers at a public meeting of the Trustees, upon due notice being given for that purpose.

The Supplementary Common School Acts of 1820 and 1824.

In the year 1820, the clause of the Act regarding Common Schools, granting Six Thousand pounds (£6,000) for their establishment, was repealed, and it was enacted that the sum of Two Thousand Five Hundred pounds, (£2,500,) be paid annually,—dividing the grant equally amongst the ten Districts of the Province, and fixing the maximum allowance of the Teacher at Twelve pounds ten shillings, (£12 10,) per annum.

The necessity of making some provision for Books to be used in the Schools, produced an Act of the Legislature in 1824, by which One Hundred and Fifty pounds, (£150,) per annum were granted, to be at the disposal of the General Board of Education for the Province, to be laid out by it in the purchase of Books, Tracts, etcetera, which were to be distributed by the Provincial General Board of Education amongst the several District Boards of Education, to be by them redistributed at their discretion. It was also enacted that every Teacher of a Common School must be examined by the Board of Education in the District in which he shall have taught or obtain a Certificate from at least one Member of such Board, certifying his ability to teach, before receiving any public money.*

In the year 1833, an Act was passed increasing the grant for Common Schools, and providing for the distribution of it amongst the Districts. Five Thousand Six Hundred and Fifty pounds, (£5,650,) were now granted, in addition to the sums before appropriated by law, for the years 1833 and 1834.† This was directed to be apportioned among the Districts. A clause in this Act provided that the Teachers of Common Schools were not to be entitled to an allowance, unless the Trustees of said School shall make it appear to the satisfaction of the District Board of Education, that they have made provision for his support, so as to secure him for his services in a sum at least equal to double the amount which may be allotted by that Board of Education from the public money.

Since the passing of this Act, no further improvement in the Schools has been effected, although there appears to have been a general persuasion, (which your Com-

* Speaking of the State of Education in Upper Canada at this time Bishop Bethune, in his *Memoir* of his Predecessor, Bishop Strachan, says: "The means for the education of those, who were not in a condition to avail themselves of the instruction afforded in the Grammar Schools, were, at the time, very meagre and unsatisfactory. . . . In our Towns and Villages, and here and there in the country, there were Schools of a very humble order —the Teachers, sometimes men of respectability, but oftentimes the reverse, both as to acquirements and habits of life . . . and the majority of scholars only attended School in the Winter months. . . . The duty of ameliorating this condition of things forced itself early upon Doctor Strachan; and, very much through his influence and exertions, a Law was passed in January, 1824 [continuing the Act of 1830, which made] a certain grant to each District [of Two Hundred and Fifty Pounds (£250)] for Common School Education and appointing a Board of Education in each District, to examine and admit Teachers, and to make an equitable distribution, within their bounds, of the Funds allotted thereto, a somewhat better class of School Masters was, by this means obtained, and a large number of Schools were opened; but there was this defect in the organization of the system, that no adequate provision was made for the superintendence of the Schools—no arrangements for a periodical visit to them, so as to ensure the proper attention to their conductors, and to examine into and remedy complaints where they were preferred. (*Memoir of Bishop Strachan*, pages, 105, 106.)

† The reduced sum, granted by Statute to Common Schools in 1820 was £2,500, or £250 to each of the Districts in Upper Canada. To this special grant was added in 1833 the further sum of £5,650. These two sums, therefore, constituted for many years the Legislative Common School Fund of Upper Canada. The £5,650, like the original District grant of 1816-1820, was apportioned each year by the Legislature among the several Districts of the Province.

mittee have reason to believe is at present very generally entertained,) of the inadequacy of the system adopted.

Your Committee annex an analysis of some of the Reports of District (Grammar) and Common Schools for the year 1838, from which an estimate may be formed of the present state of Education in the Province; they regret that this branch of Statistics is in so imperfect a state, that they have not been able to obtain as exact information on the subject, as the importance of it would require. (See Appendices A and B, and also the Extracts from the Reports of 1839, pp. 126 and 127.)

From these Reports, however, it appears that the number of pupils in thirteen District (Grammar) Schools is little more than three hundred; that the number of Common Schools may be assumed to be more than eight hundred, and that the number of children receiving instruction in them, may be estimated at about twenty-four thousand, (24,000,) taking the population of Upper Canada to be four hundred and fifty thousand, (450,000,) the average of Education by public funds is about one in 18.‡

King's College and the Upper Canada College.—School Funds.

Your Committee also annex a copy of the Report of Upper Canada College, drawn up by the direction of the Principal of the College, to be submitted to the Legislature, affording full information on the progress of that Institution during the last eight years. To this they subjoin the details of the course of Education, specifying the subjects of instruction and the Text Books at present used in the College.

II. The Second subject, on which your Committee was instructed to prosecute inquiry, is the state of the School Funds; but this matter was subsequently referred to another Committee.

III. The Constitution and Revenues of the University of King's College form the Third branch of your Committee's investigation.

Full information on the amount and sources of the Revenues of King's College and of the Upper Canada College, will be found in the copy of the Statements which were annexed to the Report.

Place of National Education,—its four Divisions, or Departments: Professional, Liberal, Commercial and Elementary.

IV. National Education may be divided into four departments: Professional, General, Commercial and Elementary. Of these, the First two are the sphere of the University; —The Second and Third of District (Grammar) Schools, and the Fourth of Common Schools.

For University Education, *i.e.*, such as would qualify the student in Theology, Law and Medicine, the provision is at present very deficient, although the Regulations of the Upper Canada Law Society are eminently conducive to the advantage of that Profession; its operations must, of course, be regarded as merely auxiliary to the University Education in that Faculty, and intended rather to promote, than to supersede, a course of Academic study.*

Everyone who is aware that the well being of every society of men must depend on the tone of their religious and moral principles, must deplore the want of a provision in the Province for furnishing itself with an abundant supply of men, qualified, by an extended course of Education, for the important duties which the Clergy have to dis-

‡ In the State of New York, in the year 1837, there were only 528,913 children instructed out of a population of about 2,500,000. *Education Commissioners' Report.*

* Information on these several subjects may be given further on in this, or the succeeding volume.

charge, as the Teachers of Religion, and the Guardians of Morality. The baneful effect of a want of School of Medicine will be sufficiently appreciated, by merely mentioning that its result is, that the medical student is forced to seek that instruction which he cannot obtain here, in the neighboring Republic, from which he returns, not infrequently, imbued with hostility to the Constitution under which he is to live. Your Committee beg respectfully to press upon the attention of your Honourble Board, the importance of some speedy remedy for these evils.

This remedy would be provided, if the University were in active operation; but this the Committee cannot anticipate for some years, in the present state of its finances, and on account of the proposed scale of expenditure on the Buildings.

The Upper Canada College as a Temporary University.

The Provincial Legislature were so deeply impressed with the necessity of making prompt provision, under the circumstances, that, in the last Session they passed an Act creating Upper Canada College a Temporary University, only so far as education is concerned. The advantages of this arrangement are: that but little addition to the present establishment of Tutors will be requisite for an efficient education in Arts, and that the only additional Building required will be a School House for those pupils of the Institution who are not qualified to enter on the regular University Course; so that Lectures may be commenced as soon as the system is organized. Your Committee annex plans for carrying into effect the provisions of the Act for a Temporary University, which will be found in Appendix F.

Note.—The Commissioners have here given a wide and liberal interpretation to a Section of the "Act for the Advancement of Education in this Province," for the only enacting clause in that Statute relating to Upper Canada College is the Sixth Section, which states, that "it shall and may be lawful for the said Council of King's College: First, to appropriate a portion of the revenues thereof, not exceeding one half, to the support, extension and maintenance of Upper Canada College, until it shall be deemed necessary to erect the University."

This Financial provision for Upper Canada College, in connection with a portion of the Preamble to the Act itself, is as follows: "Whereas, Upper Canada College, with some changes affected, would afford sufficient accommodation to the public, as a Provincial Seat of Learning, until it shall be deemed necessary to erect a University."

An example of "history repeating itself" is furnished by this example of the second abortive effort of the Upper Canada Legislature to constitute Upper Canada College a "Temporary University." An attempt of this kind was made in 1830, and a Bill for that purpose was passed by the House of Assembly, but it was rejected by the Legislative Council, for the reasons which it then gave.

The Theological Department of the University of King's College.

Your Committee have bestowed much consideration on the subject of the Theological department of King's College. It is their conviction that it would be wholly subversive of the order and well being of an University, to have within it Chairs for the Professors of different Denominations of Religion. But, although they would, for this reason, suggest, that the University, in this Faculty, should be assimilated to those of Oxford, Cambridge and Dublin, they would also recommend that provision should be made for affording to the students for the Ministry in other Denominations of Christianity the advantages of an academic education. They, therefore, submit the only plan by which it appears to them the important object of instruction for Theological Students can be obtained, without exciting jealous feelings throughout the Province, or endangering the peace and harmony

of the University. They would recommend that Theological Seminaries should be established, (either all in one, or each in a different part of the Province,) one for each Denomination that might appear to require such an establishment for the education of their Clergy. On finishing their course of instruction there, the Student should receive a Diploma, certifying that he had completed the requisite course of Theological study, which might be an essential in the requisites for such titles, or degrees, in Divinity, as the authorities of each Theological Seminary might be empowered to confer.

NOTE.—From this portion of the Report of the Education Committee of the Commissioners, it will be seen that the Committee strongly dissented, apparently on prudential grounds, from the proposed plan of having Episcopalian and Presbyterian Professors of Theology in the University of King's College. This scheme, as a solution of the denominational difficulty, in the settlement of the King's College Charter question, was suggested by a Committee of the Imperial House of Commons in 1828, and endorsed by the Select Committee of the Legislative Council in 1837, on the amendment of the Charter.

In 1831 a previous effort had been made to arrange matters, in regard to the University. As stated by the Reverend A. N. Bethune, in his "Memoir of Bishop Strachan, then Bishop of the Diocese—the Honourable and Right Reverend Charles James Stewart, D.D., Brother of the Earl of Galloway—was strongly urged by Archdeacon Strachan and others to proceed to England; as, from family connections, he had influence with several of the Ministry." The Reverend Doctor Bethune proceeds:—

It was arranged that the Writer of this Memoir should accompany Bishop Stewart to England. . . [which he did, and they arrived in England on the 30th of April, 1831.]

Much consultation was had with Lord Goderich in regard to the University, on the exclusiveness of whose Charter he had been so much assailed; and his Lordship made a proposition which I strongly advised Bishop Stewart to accept. This was to divide the University endowment; giving one half to the Church of England, with the present Charter unchanged; and the other half to the Province for the establishment of a University entirely satisfactory to the Colonial mind. . . . Much to the disappointment of Lord Goderich, the Bishop felt himself obliged to decline the proposal. Events have shewn that it would have been wise to have accepted the offer of Lord Goderich.*

SUGGESTIONS OF THE EDUCATION COMMITTEE IN REGARD TO THE DISTRICT GRAMMAR SCHOOLS.

V. Regarding Grammar Schools, the Education Committee of the Commissioners beg to offer the following suggestions:—

1. That one system should be laid down to be adopted by all, as great disadvantages will arise from the present want of uniformity.

2. That no Master should be appointed without examination; that this examination should refer to his qualifications, not merely as a scholar, but as a Teacher; for it often happens that excellent scholars are wholly unfit for the office of Teacher.

3. That provision should be made for an Assistant in each School, where there are thirty pupils, the Master to supply other assistance, according to the increase of pupils in the School.

4. That it would be highly desirable to have District (Grammar) School Houses built on an uniform plan. They should contain, besides a good School Room, sufficient accommodation for the Master and his family, and also for resident pupils. The effect of such provisions, as are above recommended, would be, that the tuition fees might be diminished,—which your Committee consider would be attended with beneficial results.

* Memoir of Bishop Strachan, ... by his Successor in the See, 1870. (Pages 133-4.)

5. That a certain number of pupils should be entitled to free education; those so entitled to be nominated by the Lieutenant-Governor, on the recommendation of the Board of District Grammar School Trustees.

6. That a quarterly Report should be laid before the King's College Council, and that the Schools should be visited by the Inspector General of Education, at least once biennially.

Remarks of the Education Committee on the State of the Common Schools.

VI. Your Committee beg leave now to offer a few remarks on the present state of Common Schools, as preparatory to the "Plan," which they have the honour of recommending for their improvement.

The first step, they conceive, towards their improvement, is to ameliorate the condition of the Master. At present, the Committee have reason to believe that but too many Teachers, receiving the Government allowance, are to be found unfit for this responsible station, from their want, either of literary, or moral, qualifications.

The cause of this unfitness, your Committee believe to be the inadequate remuneration which is held out to those who wou'd embrace this occupation. In this Country, the wages of the working classes are so high, that few undertake the office of School Master, except those who are unable to do anything else; and, hence the important duties of education are often entrusted to incompetent and improper persons. The income of the School Master should, at least, be equal to that of a common labourer. Until some provision of this nature is made, your Committee fear that it will be in vain to expect a sufficient supply of competent Teachers for the Schools.

Necessity of a Training, or Normal, School for Teachers.

Another serious defect in the present Common School system is the want of a Training School for Teachers. The advantages resulting from the establishment of such Institutions are attested by experience, wherever they have been in operation.* Your Committee are naturally led to observe, next, the evils arising from the want of an uniform system of instruction. They consider the introduction of uniformity, (both as to system adopted, and Text books used,) to be of the utmost importance.

Plan of the Education Committee for the improvement of Common Schools.

VII. The Education Committee of the Commissioners now beg leave to submit the outlines of a Plan for the improvement of the Common Schools.

1. In every Township a Model School should be established. The School House might be built, (and the future repairs provided for,) by a Joint Stock Association, which should receive interest for the capital expended. To the School House should be attached a small portion of Land, (say two acres,) for the use of the School Master. The School House should contain, at least, five rooms; two School Rooms; one for the Boys, another for the Girls; a Sitting and Bed Room for the Master, and a Kitchen.

For each of these Schools, there should be a Male and Female Teacher. It would be desirable if married persons could be found, willing to undertake, and competent to discharge, these duties. The income of the Teacher should arise from a fixed allowance, and also for the fees for tuition; the allowance should not be less than Fifteen Pounds, (£15,) per year for the Male Teacher, and Ten Pounds, (£10,) for the Female. In addition to the Teachers who should have the charge of the Model School, there should be one or more licensed to itinerate as School Masters through the Township, beyond the sphere of the permanent School,—say at any place more than two miles distant from it,—these should be promoted, as vacancies occur, to the charge of the Model Schools. Thus

* See paragraph on page 122 in regard to a Normal School.

provision might be made for one permanent, and four occasional, Schools in each Township; whilst the completion of the system contemplates the future elevation of the latter to permanent Establishments on the same footing as the Model School.

Experience proves the advantage of having some charge, however small, for the education even of the humblest classes of society. Perhaps, two dollars per quarter, might be fixed as a sum, which is within the reach of almost all who could pay anything; and, to meet the case of those who could not even afford this, a certain number should be entitled to free education,—say one in five.

Your Committee have recommended that these fees should form one part of the income of the School Master, the other part being the fixed allowance from Government. From this they would deduct one quarter to be appropriated to the formation of a School Library. They subjoin an estimate of the probable income of the Master of a Model School.

Fixed allowance from Government		£15
Assuming thirty as the average number of pupils in each School, the whole amount of fees will be	£60	
From this, deduct one-fifth for free pupils	12	
	£48	
From this, deduct one-quarter for a School Library	12	
		36
Average income of a Common School Teacher		£51†

The subjects of instruction should be, in addition to the ordinary branches of an English Education, (Spelling, Reading and Writing,) the Holy Scriptures, Geography, History, Arithmetic, Mensuration and Book-keeping; and, in the Girls' School, Sewing and Knitting.

Evils of Permitting American Books to be used in the Schools.

Great care should be taken in the selection of Text Books. Your Committee regret to find that editions published in the United States are much used throughout the Province; tinctured, as they are, by principles, which, however fit for dissemination under the form of Government which exists there, cannot be inculcated here without evil results. They, therefore, recommend that some means be taken whereby the Schools here may be provided with Text Books at a cheap rate from Great Britain, or that a series of compilations or re-publications should be prepared and printed here, as the School Books appointed to be used in all the Schools throughout the Province.

An Inspector General of Education, and a Provincial Board of Commissioners.

The general control of Common Schools, your Committee recommend, should be vested in a Provincial Board of Commissioners, at Toronto. One of these Commissioners, (to be called the "Inspector General of Education"), should be, *ex-officio*, Chairman of

†The following is an extract from the Examination of Doctor N. H. Julius, a Prussian, before a Committee of the House of Commons in July, 1834: Question: "What is the salary of a School Master in a common elementary School in Prussia?" Answer: "Many have not more than Ten Pounds (£10) a year, and some have Thirty Pounds (£30), and, in Berlin, it may amount to Sixty Pounds (£60) a year." Question: "Does that include the House?" Answer: "The House is given besides." Question: "Has he any land?" Answer: "If there is not any land, where Commons are divided, there must be set apart so much land as would be necessary for feeding a cow, and for growing such vegetables as the family of the School Master shall require. Sometimes he gets also a quantity of potatoes, hay, corn, or fuel." Question: "How much should you think in an agricultural district he would require to make him comfortable?" Answer: "At least Fourteen Pounds (£14).—(*Education Commissioners' Report.*)

the Board, and should receive a salary. He should exercise supervision over both the Grammar and Common Schools, and be the medium of communication between the local authorities in the Districts, and the Council of King's College, or the Provincial Board of Commissioners. The Secretary of the Board also should be a salaried Officer. The duties of this Provincial Board should be, at first, the preparation of Rules and Regulations to be observed throughout all the Schools under their control. The selection, or preparation, of School Text Books, etcetera, to be used; fixing the editions of the same; the licensing of Teachers; determining the location of the School Houses; and making other arrangements necessary, as preliminaries to the introduction of the System of Education subsequently. Other duties would be to supervise the operation of this System, by revising and examining the quarterly Reports sent by the Secretaries of the District Boards of School Trustees, and to present an Annual Statement to the Officer administering the Government of the Province; detailing the number of Schools; the number of pupils in each; the number of Teachers; the income of the same,—derived from public funds, and from School fees; state of School Houses; revenues and sources of the same; and other particulars, from which accurate information of the System of Education, and its practical working, may be readily obtained. The local control of the Schools should be vested in District Trustees, nominated by the Officer administering the Government of the Province. Each of these District Trustee Boards should have a salaried Secretary, who also should discharge the duty of inspecting and reporting on the Schools within the District, each Secretary as often as circumstances may require, but all, at least, once annually. It should also be his duty to conduct the correspondence with the General Board of the Province, and with the Board of Township Directors of Schools.

These Directors might be elected by the Shareholders from amongst themselves, and also from those who had become eligible by making a donation of a fixed amount, or value, to the advancement of education in the Township. To the Board of Township Directors the School Master should act as Secretary, conducting the correspondence with the Secretary of the District Board of Trustees, and with the itinerant Teachers licensed for that Township.

Necessity for Training, or Normal, Schools for Teachers in Upper Canada.

It appears to your Committee that no plan for Education in the Province can be efficiently carried out without the establishment of Schools for the training of the Teachers. They would, therefore, recommend that the Central School at Toronto should be a Normal School.* The Master of it should give a written Certificate to those who have completed a prescribed time, expressing his opinion of their conduct and qualifications. This Certificate should be presented to the Secretary of the General Board of Education for the Province; on receiving which the Candidate should be examined, and a report made thereon by the Provincial Inspector General of Education. The latter Officer should keep a list of all persons thus qualified to become Masters; stating their literary qualifications, their religion and other particulars, according to which a selection might be made, as vacancies occur.

*Four would probably be the least number required for the successful working of the system. In the State of New York there were, in the year 1838, eight Establishments for the education of Teachers, in which there were three hundred and seventy-four pupils. In Russia, there were, in the year 1833, fifty-two Seminaries, in which there were more than two thousand pupils. The necessity for properly trained teachers was felt to be a prime necessity, even in the early days of Upper Canada. In the Upper Canada Gazette of July, 1799, notice was given that: "No person will be countenanced or permitted by the Government, to teach School unless he shall have passed an examination . . . . and receive a certificate . . . that he is adequate to the important task." . . . In his Report on Education, in 1836, Doctor Duncombe said: "While on the subject of Normal Schools I cannot too earnestly recommend the careful and attentive reading of what I have quoted from Victor M. Cousin on the subject." In his Draft of School Bill, appended to that Report he provided for "the endowment and support of four Schools in this Province for the education of Teachers." Per Contra—In 1847 the Municipal Council of the Gore District Memorialized the Provincial Legislature against the professed establishment in that year

INADEQUACY OF THE FUNDS DEVOTED TO THE PURPOSES OF EDUCATION IN UPPER CANADA.

VIII. On the subject of the funds for the purposes of Education in Upper Canada, your Committee beg to express their opinion, that the present provision is inadequate to the wants of the Province. They, therefore, respectfully recommend that a direct tax of three farthings in the pound should be appropriated to this purpose; and they feel assured that the blessings derived from the extension of Education, which may be thus effected, will more than compensate for any additional pressure of taxation which may be felt.†

The amount at present expended from the public funds for the purpose of Education in Upper Canada is:—

District (Grammar) Schools, Fourteen, at £100 each..		£1,400
Common Schools, (about Eight Hundred), annual grant by the Legislature	£5,650	
Common Schools, permanent provision for them in the fourteen Districts, at £250 each	£3,500	
		9,150
Grant for Books and Tracts for the Common Schools, (4 George IV, Chapter VIII, Section 1)		150
Total for purposes of Education		£10,700

Assuming that a Tax of three farthings in the pound will yield about Fifteen Thousand pounds, (£15,000,) there will be a sum of Twenty-five Thousand pounds, (£25,000,) available for the purposes of Education, exclusive of what may be derived from interest on the Funds arising from the Sale of School Lands, and from assistance given by the Council of King's College, (under the authority of the "Act for the Advancement of Education in the Province," 1839), for the use of Grammar Schools. Thus, the whole amount of funds available for the purposes of Education would be:—

For the Common Schools.

Parliamentary Grants, (including the one for Books)..	£9,300	
Proceeds of Proposed tax of three Farthings in the £..	15,000	
		24,300

For the District (Grammar) Schools.

Parliamentary Grant to fourteen District Grammar Schools	£1,400	
Interest on the proceeds of the Sales of School Lands..	720	
		2,120
		£26,420

of the Normal Schools at Toronto, as follows: "Your Memorialists do not hope to provide qualified Teachers by any other means, in the present circumstances of the Country, than by securing, as heretofore, the services of those whose personal disabilities from age, render this mode of obtaining a livelihood the only one suited to their decaying energies, or by employing such of the newly-arrived immigrants as are qualified for Common School Teachers, year by year, as they come among us.—(*Report of the Education Committee.*)

†In Pennsylvania, the conditions on which the Districts receive their State appropriation for Common Schools, are, that they accept the Common School System, and assess a tax at least equal to their proportion of the appropriation; but the Directors may increase the tax to double that amount, without, or with, the assent of the citizens of the District, to any extent.—(*Report of the Education Committee.*)

ESTIMATE OF THE PROBABLE EXPENSES OF THE SYSTEM RECOMMENDED:

In aid of Common Schools.

Interest on the Capital of £60,000 expended on Three Hundred School Houses at £200 each	£3,600
Allowance to Three Hundred Male Teachers, at £15 each	4,500
Allowance to Three Hundred Female Teachers, at £10 each	3,000
Allowance to Four Hundred Itinerant Teachers, at £20 each	8,000
Total for Common Schools	£19,100

In aid of Grammar Schools.

On the plan recommended, the cost of each of these Grammar Schools would probably be about £1,500. The requisite funds might be provided from the proceeds of the School Lands (at present amounting to about £2,000), or one-half might be supplied from this source when the other half had been provided by shares		£19,100
Interest on £3,500, half the sum expended on Fourteen Grammar Schools	£210	
Fourteen Head Masters, at £100 each	1,400	
Fourteen Assistants, at £50 each	700	
		2,310
Total for Grammar Schools		£21,410

Cost of Management.

Provincial Inspector General of Education	£300	
Secretary of Provincial Central Board of Education	200	
Fourteen District Inspectors of Schools	1,400	
Various Incidentals	600	
		2,500
Total Cost of Management		£23,910

Thus a balance remains of £2,910, of which £1,500 might be available for the endowment of Professorships in the proposed Theological Seminaries, the remainder being left unappropriated to meet the expenses of the Normal School, and others which may not have been provided for in the details of the Common School System, as compiling and printing.

All which is respectfully submitted,

JOHN MCCAUL,
Chairman of the Committee on Education.

H. J. GRASETT,
S. B. HARRISON.

COMMITTEE ROOMS, TORONTO, 22nd January, 1840.

Educational Opinions of Prominent Public Men in their Replies to the Education Commissioners.

Honourable G. S. Boulton.—In his reply to the Commissioners, he said:—Teachers should be British subjects and should be examined by the Board of Education and approved previous to appointment. Each Teacher should receive at least $20 per annum, exclusive of fees from Pupils. . . . I recommend the passage of an Act appropriating 500,000 acres of land for the support of Common Schools, as proposed in the last Session of the Legislature by a joint Committee of both Houses.

The Honourable William Morris, in his reply to the Commissioners, said:—The hundreds of the youth of the country who, from want of convenient institutions of learning, have been sent to and educated in the neighboring Republic, where, if they had not imbibed a predilection for that form of Government, have been greatly exposed to the danger of losing that attachment to monarchical government, and the principles of the British Constitution, which is the essential duty of those who administer the affairs of this colony to cherish in the minds of the rising generation.

The Honourable James Crooks.—The system of Common Schools, although in some instances abused by the employment of improper persons, indeed sometimes aliens, as Teachers, yet, on the whole, I think highly beneficial; perhaps were the system of Parochial Schools, as established in Scotland, with such modification as would be necessary under the different circumstances of this Province, engrafted upon the Common School System, it might be found to work well.

The Honourable P. B. De Blacquiere.—The present condition of Teachers is truly wretched, and reflects great disgrace upon the nation, and what but the actual results can, or could, be expected? I think a difficulty will arise as to finding Inspectors properly qualified, or who, in the present state of the country, can be trusted.

The Reverend Robert McGill.—I know the qualifications of nearly all the Common School Teachers in this, (Niagara,) District, and do not hesitate to say, that there is not more than one in ten fully qualified to instruct the young in this humblest department. I should doubt, therefore, whether the money granted to them brings an equivalent good, or whether the state of education in this Province would be worse were these funds entirely withdrawn.

The Reverend Robert Murray.*—The great difficulty attending any change in the present wretched system of education in the Province is to ensure the efficiency of that scheme which may be adopted in its room. To leave the supervision in the hands of the electors in each District, or to a few individuals appointed by them, probably themselves without education, would certainly tend to perpetuate the system of gross oppression to which Teachers have been subjected, and to disappoint the reasonable expectations of the Government. . . . It appears absolutely necessary to ensure the efficiency of a system (as suggested) that men of education who themselves have had large experience in the education of youth should be appointed to superintend the whole system of operation. . . .

Mr. Mahlon Burwell.—I cannot conceive anything more wanting in efficiency than our present system of Common School education. I annex for the notice of the Commission of Investigation a copy of a Common School Bill, which I have several times endeavored to get passed through the House of Assembly.

*First Superintendent of Education for Upper Canada, and the immediate predecessor of the Reverend Doctor Ryerson.

Appendix A.—Report on the Common Schools in the Province in 1838.

The total number of Common Schools in Upper Canada, as reported for 1838, is.. 651

The total number of children receiving instruction in them, per the School Returns of 1838, is 14,776

Name of District.	Population.	Number of Schools.	Number of Pupils.		Books used in the Common Schools.
			Boys.	Girls.	
Johnstown.....	31,796	84	1,925		Bible; Testament; Mavor's Spelling; English Reader; Daboll Keel, and Walkingame's Arithmetic; Murray's Grammar, etcetera.
Bathurst	23,436	84	1,154	936	Reading Made Easy; Mavor's Spelling; Bible and New Testament; English Grammar and English Reader.
Prince Edward ..	13,212	64	2,110		Murray's English Reader; Walker's Dictionary; Cobb's Spelling Book; and First Book; Mavor's Spelling; Murray, Kirkham and Lennie's Grammar; Olney and Woodbridge's Geography; Testaments; Rogers, Willett, Daboll and Walkingame's Arithmetic; Goldsmith's Histories of England and Rome.
Newcastle	35,755	44	Number not returned.		New Testament; Mavor's Spelling; English Reader; and Walkingame's Arithmetic
Eastern	29,498	89	2,460		Reading; Writing and Arithmetic, and, in some Schools, Latin, Geography, and English Grammar are taught.
Ottawa	8,016	28	670		Testament; Eton Grammar; Goldsmith's History of England; Blake's Natural Philosophy; Mavor's Spelling; Murray's Grammar; Arithmetic and Writing.
Home	57,314	92	2,557		NOTE.—No return of Books used.
Niagara	30,522	48	.....		NOTE.—No return of number of Pupils or of Books used.
Western	16,901	33	574	287	Mavor's Spelling; Murray's English Reader; New Testament; and a variety of Books of Arithmetic.
Midland	37,382	..	.....		NOTE.—No reports have been received from any of these Districts.
Gore.....	50,319	..	.....		
Talbot.....	....	..	.....		
London	38,914	85	1,359	744	Old and New Testament; Goldsmith's and Olney's Geography; Murray's Grammar; Mavor's and Cobb's Spelling Books; Arithmetic; in some Schools, Latin, Euclid, etcetera.
		651	14,776		Pupils reported in 10 out of the 13 Districts.

APPENDIX B.—REPORT OF THE DISTRICT (GRAMMAR) SCHOOLS—PUPILS ATTENDING THEM; AND COURSE OF STUDY THEREIN, 1838.

Name of District.	Pupils in attendance.	Subjects of Study in the Grammar Schools.
Western	30	English; Writing; Arithmetic; Geography; History, Mathematics; Latin and Greek; Highest Class in Virgil, Sallust, and Euclid's Elements.
Eastern	30	General Branches of Education; 1st Class, Greek Testament; Cicero; Virgil; Euclid and Plain Trigonometry; Algebra; and Book-keeping.
Niagara	36	Usual Branches, Highest form, Greek Testament; Homer, etcetera; Livy; Horace; Cicero; Euclid's Elements, and Algebra commenced.
Bathurst	31	Usual Branches; also Mathematics; Simpson's Euclid; Globes; Caesar; Ovid; Sallust; Virgil; Cicero; and Horace.
Johnstown	19	Usual Branches; also Mathematics; Natural Philosophy; Latin and Greek.
Midland	32	Usual Branches; with Elements of Greek and Latin; Globes; Algebra and Euclid.
Newcastle	31	There are some boys learning Latin. The Books used are the same as in Upper Canada College, as far as they can be procured.
Home	21	General Branches; Sixteen boys have commenced the Latin Grammar; and two the Greek accidence.
London	22	Greek; Latin; Mathematics; and the usual branches.
Gore	35	Greek and Latin, videlicet, in the upper classes, Caesar, Sallust, Cicero, Virgil and Homer; Mathematics, etcetera, and the usual branches.
Ottawa	24	General branches of Education.
Prince Edward .	..	Report not received.
Talbot	..	This School was not opened until 2nd of January, 1839.
	311	Total number of Boys in District Grammar Schools.

REPORTS OF THE GRAMMAR AND COMMON SCHOOLS IN UPPER CANADA FOR THE YEAR 1839.

NOTE.—The following Reports of the Grammar and Common Schools in the several Districts belong to the year 1839, in which the Report of the Education Commissioner was made. They illustrate the condition of the Grammar and Common Schools of Upper Canada in that year.

Eastern District Grammar School.—The Trustees say: We have much pleasure in reporting our entire satisfaction with the manner in which the pupils acquitted themselves, and the well grounded and accurate knowledge which they exhibited of the several branches, in which they have been instructed. (Signed by the Honourable Mr. Justice McLean, the Reverend George Archbold, and Messieurs John Mackenzie, D. Macdonell, and G. C. Wood.)

Eastern District Common Schools.—The District Board of Education say: The Trustees of the several Schools report favourably of the progress of the pupils and the attention of the Teachers in the various branches taught. (Signed by Messieurs Joseph Anderson and D. Macdonell.)

Ottawa District Grammar School.—The Trustees say: The School is composed of day scholars only: and there appears to exist among the people of this part of the District a lamentable indifference to the advantages of a liberal education, which this Institution certainly places within their reach, at an expense so moderate as to suit the means of even any industrious labourer. None of the Common Schools in the District have ever availed themselves of the privilege, secured to them by law, of sending pupils to the District (Grammar) School for gratuitous instruction. (Signed by Sheriff Charles P. Treadwell and Messieurs Charles A. Low and Richard Phillips Hotham, M.P.P.)

Ottawa District Common Schools.—The District Board of Education say: With the exception of eight Schools, the Board is satisfied with the tenor of the other Reports of Common Schools presented; these Reports fully vouch as to the good conduct of the several Teachers, and their capabilities, as relative to their respective duties. While the undersigned are willing to admit that room may exist for the improvement of the present laws, regulating the Common Schools generally throughout this Province, yet they have much satisfaction in stating that the establishment of these Schools hath proved of great public benefit in this District, as affording the facilities to parents, at least of advancing to a considerable extent, the education of their children, an advantage to these children which cannot be appreciated too highly. (Signed by Messieurs Charles A. Low, Alexander Grant and Philo Hall.)

Johnstown District Grammar School.—The Trustees say: The School has continued during the year last past, under the superintendence of the Principal, the Reverend Henry Caswell, M.A., assisted by Mr. William Miller, late of Trinity College, Dublin. Under such superintendence the Trustees are happy to report that the School is in an unprecedentedly flourishing condition. (Signed by the Reverend Messieurs Edward Denroche and William Smart, and Messieurs Bartholowmew Carley and E. Hubbell.)

Bathurst District Grammar School.—The School is well conducted by Mr. William Kay, who gives very general satisfaction to the Trustees, as well as to the parents of the pupils. (Signed by the Honourable William Morris.)

Newcastle District Grammar School.—The Chairman of the Board of Trustees says: The Newcastle District (Grammar) School is at present under the charge of Mr. Walter C. Crofton, a native of Ireland, and formerly a Scholar of Trinity College, Dublin. The number of boys in attendance is thirty-two, ages varying from seventeen to seven years. Ten of the pupils are educated gratuitously, and four out of the ten have received the warmest commendations of the Master for their ability, diligence and good conduct. (Signed by the Reverend Alexander Neil Bethune.)

Newcastle District Common Schools.—The Chairman of the District Board of Education says: I am happy to say that all the Teachers are, with one exception, British born subjects, and that person has long been naturalized. The Books too, upon which the Board insists, are all of an unexceptionable character. (Signed by the Reverend A. N. Bethune.)

Prince Edward District Grammar School.—At the last examination of the School while under Mr. Crombie's care, in July last, about twenty-five boys were present,—six or eight of whom were being taught the Latin and Greek classics, and the remainder the usual branches of English and Mercantile education. The pupils generally acquitted themselves in their several classes in such a manner, as to reflect a good deal of credit upon the Master, and give general satisfaction to their parents and guardians. (Signed by the Honourable Simon Washburn, and Messieurs Thomas Moore, David Smith and James Cotter.)

Home District Grammar School.—The Trustees say: The School was reorganized by the appointment of Mr. Marcus C. Crombie, as Principal. During the first quarter, little

increase of scholars took place, but the assiduity and qualifications of the Principal, becoming then generally known, the following month their numbers were doubled, and forty-one scholars are now deriving benefit from this Institution. The School has been occasionally visited by some of the Trustees, and they are enabled to state their satisfaction with the method of instruction pursued, and with the advances made by the pupils under it. The Principal adds:—The memory and judgment of the pupils are well and thoroughly exercised, both by theory and practice, and, consequently, their improvement assured. The interrogatory form is principally used, as by it, when questions are promiscuously put, the Master is certified whether the pupil understands what he has learned or not. A rule and an example, when learned, must be given for every branch of knowledge that is acquired. (Signed by Bishop Strachan, the Honourable William Allan and Colonel James Fitzgibbon.)

Gore District Grammar School.—Doctor John Rae states that:—I have been now Teacher in Canada, in one situation or other, about sixteen years. My thoughts have naturally turned themselves very often to the great existing defects in the present system, and the modes of remedying them. It would certainly be agreeable to me to communicate my ideas immediately to you, that so whatever in them was judged serviceable might directly come to bear on Legislative measures. The Trustees say:—That they have examined the District (Grammar) School conducted by Doctor John Rae, the Principal, and Mr. William Tassie, his Assistant, and find the Institution in a most flourishing and advancing condition. The progress of the numerous pupils in knowledge is great, and every credit is due to the diligence and attention of the Teachers. (Signed by the Reverend Messieurs Alxander Gale, John Gamble Geddes and Mark Y. Stark, and Messieurs James Racey, W. M. Jarvis, John Law and William Craigie.)

Talbot District Grammar School.—The Chairman says:—That there were two or three of the pupils receiving gratuitous instruction, according to the provision of the Act "for the gratuitous tuition of ten poor children," which has hitherto proved nugatory, partly owing to the fact, that those, who might be desirous to avail themselves of it, cannot afford to pay for the board of their children in the neighbourhood of the School, and partly owing to the inefficient state of the Common Schools, which do not furnish candidates for such gratuitous instruction. The Board cannot conclude this Report, without deploring the backward state of education throughout the Province (and particularly in this part of it, with which they are, of course, best acquainted); a state of things which calls loudly for the adoption of energetic measures for the improvement of the Common Schools, and for such other steps as may remedy the evil. They also take the liberty to record it as their opinion, that the most likely measure to raise the standard of education in the Province, would be the endowment of a Seat of Learning as similar as circumstances may admit of, to those in the parent state, whence examples might be furnished to the country at large, of the degree to which the cultivation of the human mind may be carried and a stimulus afforded to the industry of the rising generation. (Signed by the Reverend Francis Evans, Chairman.)

Niagara District Common Schools.—The Chairman of the Board of Education says:—The Teachers of the Common Schools are British subjects, or have taken the oath of allegiance. They have been carefully examined in the branches required to be taught,—but they generally come short of the standard of qualifications that ought to be established. Employed from necessity, in consequence of the small and inadequate provision made for their support,—it being little more than an ordinary mechanic's or labourer's hire. A more efficient system of instruction in the Common Schools is required, and, in order to this, teaching should become a profession, for which respectable provision should be made by taxation, and the means of due preparation provided for the duty of Teachers. (Signed by the Reverend Thomas Creen, Chairman.)

It will be noticed in this Report of the Niagara District Common Schools, that the Board of Education for that District practically endorse the statement of the Education Committee of the Commissioners,—that "the income of the School Master should be at least equal to that of the common labourer"—which in those days it was not. The consequence was, as stated by the Education Committee, "the important duties of education are often entrusted to incompetent and improper persons."

LEGISLATION ON EDUCATION AFTER THE UNION OF UPPER AND LOWER CANADA IN 1840.

On the Union of the Provinces of Upper and Lower Canada in 1840 the Right Honourable Charles Poulett Thomson, afterwards Lord Sydenham and Toronto, opened the first Parliament of the United Provinces on the 14th of June, 1841, with a Speech from the Throne, in which he thus referred to the Subject of Education:

A due provision for the Education of the People is one of the first duties of the State; and, in this Province, especially, the want of it is grievously felt. The establishment of an efficient system, by which the blessings of instruction may be placed within the reach of all, is a work of difficulty, but its overwhelming importance demands that it should be undertaken. I recommend the consideration of that subject to your best attention, and I shall be most anxious to afford you, in your labours, all the co-operation in my power. If it should be found impossible so to reconcile conflicting opinions, so as to obtain a measure which may meet the approbation of all, I trust that, at least, steps may be taken, by which an advance to a more perfect system may be made; and the difficulty under which the people of this Province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

In answer to His Excellency's Speech it was

Resolved,—That His Excellency do rest assured that this House holds the Education of the People to be a subject of paramount importance, and that they sincerely regret that the want of due provision in this behalf should have been so long felt in the Province;—they are aware of the difficulty of establishing an efficient system by which the blessings of instruction may be placed within the reach of all; but they are aware of the overwhelming importance of the subject; and it shall be the object of their best attention and their most anxious consideration.

They humbly thank His Excellency for the promise of his co-operation in their labours, and they trust that with that co-operation they shall be able to obtain a measure which, if it should fail so to reconcile conflicting opinions as to meet the approbation of all, will, at least, serve as a step by which an advance to a more perfect system may be made, and the difficulty under which the People of the Province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

In proceeding to give practical effect to this desire to provide for a scheme of popular Education it was considered desirable to repeal the School Acts then in force in each Province, and to enact a general School Law which should apply to both Provinces alike.

The preparation of a Bill on the subject was entrusted by his Colleagues in the Government to the Honourable Solicitor-General Day, Member for a County

in Lower Canada. He also took charge of its passage through the House of Assembly.

On the 15th of July, 1841, Mr. Day gave notice that on the 20th day of the month he would "move the House into a Committee of the Whole to take into consideration the expediency of repealing certain Laws relating to the establishment and maintenance of Common Schools."

On the 20th of July, 1841, the House of Assembly

Resolved,—That it is expedient to repeal the Acts . . . providing for the establishment . . . of Common Schools, and to make provision for the establishment and maintenance of Common Schools throughout the Province.

Remarks of the Honourable Solicitor General Day, in Introducing His School Bill.

As this Common School Bill was the first of the kind introduced into the Legislature after the Union of the Provinces, it thus became the foundation of subsequent legislation in regard to Common Schools in Upper Canada. I have thought it, therefore, desirable to give the explanation of its principles and the scope of the measure itself in the language of Mr. Solicitor General Day, who introduced the Bill.

The observations of other prominent Members of the House of Assembly will be found both instructive and interesting, as the utterances of the School Legislators of those early days.

On the Order of the Day for going into Committee on the subject of the establishment of Common Schools, Mr. Day rose and said that

The object of the present motion was the repeal of the existing laws on this subject in the two portions of the Province, and the substitution in their place of one general system which should extend to the whole Province, and embrace the entire population.

The subject was one of the greatest importance and which threw a great moral duty on every man to lend his aid towards supporting it. Those acquainted with the subject well knew that the present measure was but one part of the great general system of National Education, which would take in not merely the establishment of Common Schools, but also of Model, and more especially of "Normal Schools, which would train" up young men to act as Teachers and Instructors.

By this system the establishment of Common Schools would be the foundation, upon which all the rest would lie; and, if prudence was only observed in proceeding, there was no reason why everything should not be done on this basis which the importance of the subject required. In order, however, to secure success, it was necessary that the system introduced should be ample, effective and popular; and that it should not interfere with the prejudices of those for whose benefit it was intended.

The first Act of the Upper Canada Legislature on the subject of Common School Education in that Province was passed in 1816; this Act was extended by another of 1820 which made further provision by extending the aid previously granted. In 1824 another Act was passed, and again in 1839, which was the last attempt at legislation on the subject.*

By reference to statistics, it would be seen that the total number of children educated at the Upper Canada District (Grammar) Schools was 300, and at the Common

*An Act to authorize the establishment of District Grammar Schools in Upper Canada was passed in 1807. See pages 60, 61 of the First Volume of Documentary History of Education in Upper Canada.

Schools, 800, giving out of the total number an average of one only out of eighteen who received the benefit of education.

If, then, means for the encouragement of education were so much required in Upper Canada, how much more were they required in Lower Canada? There no legal establishment existed, no provision of the law by which the people could obtain access to education, and that young population was growing up to the exercise of important duties and maintained by the exertions of a class of men to whom he (Mr. Day) could not pay too high a tribute of praise—he alluded to the Roman Catholic Clergy—no means for public instruction existed.† The total population of that Province was estimated at 600,000 souls, out of which one-fifth, or 12,000 youths, were without the means of education, and that young population was growing up to the exercise of important duties wholly ignorant of the nature of those duties.

In the Legislature of Lower Canada there had been a great deal of legislation on the subject, extending back to the 41st George the Third, 1801,‡ which attempted the foundation of a Royal Institution, but was productive of no effect. Since then several Acts had been passed, in 1814, 1818, and lastly in 1823, which last Act was of great importance, and must have produced the most beneficial resu'ts. Its effect was to divide the Country into Districts; and so important was it considered that it had been extended by subsequent statutes down to the 2nd William the 4th, Chapter 26 (1832), which existed up to the time of the suspension of the Constitution, since which time no provision for the maintenance of Schools had been made.

These facts alone were sufficient to secure the unanimous support of that House; and he would merely add, that he had bestowed great attention upon the materials necessary for the measure, in order to render it worthy of support. Besides his own labours, he had been indebted for much of the information he possessed to a valuable Report furnished by Doctor Charles Duncombe to the Legislature of Upper Canada in 1836, on the subject of Education in the Province,§ as also to the labours of a gentleman named Mr. Christopher Dunkin,|| and to a pamphlet published by a Mr. Mondelet, the tenor, and spirit of which reflected the highest credit on the writer.¶

Mr. Day then moved the reception of the Order of the Day, and introduced his Bill.

Remarks of Other Prominent Members of the House of Assembly on the Bill.

Mr. Neilson, of Quebec, said that there could, of course, be no objection on his part to any alteration which might be considered necessary in the law relating to Common Schools in this part of the Province. But with respect to the Eastern part, a portion of which he had the honour to represent, he could state, from his own personal knowledge, that great efforts had been made by the people themselves—and these efforts, he was happy to say, were successful—to educate the rising generation. . . The dissensions between different branches of the Legislature in Lower Canada afterwards unhappily put an end to the system of education then in practice, and left that Province

†The reason for this absence of provision being made for Elementary Schools in Lower Canada is given by Mr. John Neilson, in his remarks on the new School Bill, further on.

‡This Act (41st George III., Chapter 17) was passed in 1801, and was intituled: "An Act for the Establishment of Free Schools, and the Advancement of Learning in this Province."

§This Report will be found on pages 65 to 89 of this Volume.

||Afterwards a Judge of one of the Courts in Lower Canada.

¶The title of this pamphlet is "Lettres sur l'Education Elèmentaire et Pratique," Montreal, 1841.

without any provision for Common Schools, and nothing remained but what could be derived from the efforts of the people themselves; and he believed it was now going on in such a way that, whether assistance were given to them or not, the people would be educated. . . Notwithstanding this, he would be happy to see the work facilitated by some organized system, by which the people might be fully enabled to educate their children according to their wishes and their feelings; and, above all, their religious opinions should not be interfered with. He (Mr. Neilson) would cheerfully concur in the Resolution, . . but he would, at the same time, watch with great earnestness any thing which he thought was calculated to interfere with the religious prejudices of the people.

Captain Elmes Steele, of Simcoe, would observe that that part of the Speech of His Excellency the Governor-General, which referred to the subject of Education had been received with immense satisfaction throughout the whole Western part of the Province, and he was happy to perceive that a similar spirit seemed to prevail in Lower Canada. He hoped the House would unite in producing as perfect a System of Education as possible; that each denomination of Christians may educate their children according to the principles of their own faith. He thought there should be some plan devised by which they would be saved the necessity of employing, in the education of their children, every adventurer who chooses to come across the lines and propagate his political doctrines here.

Mr. William Hamilton Merritt, of Haldimand, said: this was a question which he had heard discussed for a number of years, and, up to the present time, he was sorry to say, without any beneficial result. . . They might look with great advantage to other countries for examples on the subject of education. In the State of Connecticut a fund was provided by the government equal to the sum which the people were willing to raise voluntarily. The result of such a system was, that, according to returns, there were but few persons in the whole State who were unable to read and write. He hoped the honourable Gentleman who introduced the Bill, would point out some means for providing for a permanent fund for the maintenance of Schools, which, up to the present moment, had not been the case. Although, so far back as 1797, a large appropriation of lands had been made for the support of Grammar Schools, yet that appropriation had afterwards been diverted to other purposes.

The Honourable Samuel B. Harrison, Provincial Secretary, West, said he was exceedingly happy to hear the observations of the honourable gentleman, for it fortunately happened that the plan which he recommends is the very one which is intended by the Government to be pursued. The fund is provided by the Legislature.

Mr. Boswell, of Northumberland, was convinced that it was a matter of congratulation that now for the first time a Minister of the Government comes down to the House and proposes a Measure for the promotion of Education. The very fact of the Measure being proposed by a Minister of the Government is a matter of congratulation.

Mr. Francis Hincks, of Oxford, said he would support the Resolution with great satisfaction. . . So far as he had an opportunity of judging the Measure, . . he had no hesitation in giving it his cordial support.

Mr. James H. Price, of the County of York, said he trusted that this Bill would bring the Schoolmaster home to every Village and Township, and he congratulated the House upon the prospect of a better state of things being about to be introduced. If the Bill about to be introduced should be free from sectarianism . . it should have his cordial support.

Mr. David Thornburn, of Lincoln, said that this was one of the Measures which he had supported with the scheme of Union. It was a Measure to prove that "the School

Master was abroad." If the people have no education they have no intelligent means of controlling the doings of Government, and, in that case, it does as it pleases.

Mr. James Durand, of Halton, said that he would be extremely happy to support the Resolution. The subject of Education was one which was viewed with extraordinary interest by the whole country.

Colonel Bruce, of Essex, said that no subject brought before the House was more important than this one. He is, and always was, a strong advocate of the Common Schools. If properly conducted they will be productive of immense good to the country, and become the great basis of liberty. He paid a high tribute of respect to Colonel Burwell for his exertions on the subject.

Petitions that the Bible be Used as a Class Book in the Schools.

As soon as Mr. Day's School Bill was laid before the House of Assembly and read a first time a large number of Petitions were presented to it from various parts of Upper and Lower Canada on the subject of the use of "the Bible as a Class Book in the Schools." There were twenty-five of such petitions from Lower Canada, and fifteen from Upper Canada. One of these Petitions was from Clergymen and Members of the Church of England in St. Armand's West, Lower Canada. It prayed that the Bible, "as a whole," might be used in Schools and Seminaries as a Class Book.

Two other notable Petitions were presented to the Legislature on the subject. One was from the Church of England Bishop of Toronto and the other from the Roman Catholic Bishop of Kingston.

The Principle of Separate Schools in Upper Canada Advocated in 1841.

The principle of Separate Schools was clearly laid down in the Petition of the Right Reverend Doctor John Strachan, Church of England Bishop of Toronto, and his Clergy, which was presented to the Legislature of United Canada at its first Session. This Petition prayed: "That the Education of the Children of their own Church may be entrusted to their own Pastors; and that an annual grant from the assessments may be awarded for their instruction"; in other words, Bishop Strachan and his Clergy, in their Petition, maintained the doctrine of Separate Church of England Schools, supported in part, at least, out of the public funds and the local assessment rates.*

The Petition presented to the Legislature by the Right Reverend Doctor Remegius Gaulin, Roman Catholic Bishop of Kingston, did not, in express terms, advocate the principle of Separate Schools, but it "stated objections against the principles of the Bill for the establishment of Common Schools now before the House, and desired that it may not become Law until the opinion of the Catholic and other Religious Denominations be known."

The subsequent proceedings of the House of Assembly, in regard to Solicitor General Day's Bill, clearly showed that the desire expressed in the Petition of Bishop Gaulin was practically granted, for, during the passage of the Bill through the House, a mixed general Committee, which had been appointed, introduced an amendment to the Bill providing for the establishment, under certain conditions,

*For about twenty-five years after this Petition was presented to the House of Assembly, Resolutions to the same effect were annually agreed to and presented to the Legislature by Synods and other official gatherings of Members of the Church of England in Upper Canada.

of Roman Catholic Separate Schools, and of "Protestant" Separate Schools, but not for "Church of England" Separate Schools, as prayed for by Bishop Strachan and his Clergy.*

Some years afterwards, in answer to my inquiries on the subject, Sir Francis Hincks, (who was a Member of the House of Assembly in 1841,) stated that it was owing to the number of Petitions presented to the Legislature in 1841 in favour of the Bible in Schools that the Government consented to refer Mr. Day's Bill to a General, instead of to the usual Government Select Committee of the House.

Character of the Proposed Common School Legislation of 1841.

Provision First Made in it for Separate Schools in Upper Canada.

The proposal made by the Honourable Solicitor General Day, Member for the County of Ottawa, in Lower Canada, was assented to by the House of Assembly, that he should be permitted to introduce a Bill to repeal all the previous Common School Legislation of Upper and Lower Canada then in force. As a substitute for this Legislation, he desired to introduce a new and comprehensive measure for the Establishment and Maintenance of Common Schools in both Upper and Lower Canada.

It will be noticed that, up to this time, (as explained by Mr. Neilson of Quebec, when this Bill was introduced,) there was only one Legislative enactment, which related to Elementary Schools in existence in Lower Canada, and that was a recent one, (2nd William IV., Chapter 26,) passed in 1834, which provided for the maintenance of "Elementary Schools in the country parts of (that) Province." In Upper Canada, there were three enactments relating to Schools in existence, which Mr. Day's Bill proposed to repeal. These Upper Canada School Acts were the 56th George III., Chapter 36, passed in 1816; the 60th George III., (cited as 1st George IV.,) Chapter 7, passed in 1820; and 4th George IV., Chapter 8, passed in 1824.

Mr. Day's projected Bill did not propose to deal with the Grammar, (then called Public,) Schools, and hence his measure did not provide for the repeal of any of the Upper Canada Acts relating to the Public (Grammar) Schools. The Legislative Council, however, as may be seen by referring to its proceedings, took up the question of Grammar Schools in Upper Canada, and their maintenance, and passed an elaborate series of Resolutions on the subject, which it afterward embodied in a Grammar School Bill, and, having passed it, sent it to the House of Assembly for its concurrence. The Council Bill there received two readings, and was then dropped, or was practically merged in the School Lands Appropriation Act. The House of Assembly also agreed to a Resolution for repealing the last Grammar School Act, passed by the Upper Canada Legislature in 1839, (2nd Victoria, Chapter 10,) but took no further steps, (by way of other Resolutions,) in the matter. It, however, passed an Act, (4th and 5th Victoria, Chapter 19,) as will be seen from the Parliamentary proceedings, to provide for the temporary application of funds derived from the sale of School Lands to the support of Grammar Schools.

*The appointment of this mixed general Committee to deal, at its pleasure, with a Government measure was clearly a violation of the principle of "Responsible Government," as asserted and expounded, in the early part of the Session, by Members of the Government, who were Members of the House. (See page 33 of Volume One, of the "Canadian Mirror of Parliament." for June 30th, 1841.)

THE FIRST GENERAL COMMON SCHOOL ACT OF CANADA, AFTER THE REUNION OF THE PROVINCES OF UPPER AND LOWER CANADA IN 1840.

In recommending this General School Act to the favourable consideration of the first Parliament of United Canada, in 1841, Lord Sydenham, the first Governor-General, used the following language:

A due provision for the education of the people is one of the first duties of the State, and, in this province especially, the want of it is grievously felt. The establishment of an efficient system, by which the blessings of instruction may be placed within the reach of all, is a work of difficulty, but its overwhelming importance demands that it should be undertaken. I recommend the consideration of that subject to your best attention, and I shall be most anxious to afford you, in your labors, all the co-operation in my power. If it should be found impossible so to reconcile conflicting opinions as to obtain a measure which may meet the approbation of all, I trust that, at least, steps may be taken by which an advance to a more perfect system may be made, and the difficulty under which the people of this province now labor may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

SIR FRANCIS HINCKS.

The enlightened expectations of the Governor-General were, happily, realized. But so diverse were the populations of the two Canadas thus united, and so different were their social conditions, that the School Act then passed was repealed two years afterward (in 1843), and a School Act for each Province was passed by the Legislature in that year.

That part of the School Legislation of 1841, affecting Upper Canada, which was not generally satisfactory was the introduction of the Principle of Separate Schools on certain conditions for Protestants and Roman Catholics. Why this was done was thus explained in a Letter to the Editor of this Volume from Sir Francis Hincks, in which he said:

It is worthy of notice that after the introduction of Mr. Solicitor-General Day's School Bill into the House of Assembly a number of Petitions from Upper Canada were

presented to the Legislature, praying that the Bible should be adopted as a School Book. This led to the reference of Mr. Day's School Bill to a Mixed General Select Committee of the House of Assembly, consisting of twenty-three members—fifteen from Lower Canada and only eight from Upper Canada. This Committee recommended the introduction of the Separate School Sections of the Bill as introduced by Mr. Day.

The following is a copy of the School Bill of 1841, as finally passed:

4TH AND 5TH VICTORIA, CHAPTER XVIII.

AN ACT TO REPEAL CERTAIN ACTS THEREIN MENTIONED, AND TO MAKE FURTHER PROVISION FOR THE ESTABLISHMENT AND MAINTENANCE OF COMMON SCHOOLS THROUGHOUT THE PROVINCE.*

Baron Sydenham and Toronto, Governor General.

Passed 18th September, 1841.

Whereas the Laws now in force for the Maintenance and Regulation of Common Schools are insufficient, and it is necessary to make provision for the Establishment and Maintenance of such Schools throughout the Province:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled: "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that the Act of the Legislature of the late Province of Upper Canada, passed in the Fifty-sixth year of the Reign of His late Majesty King George the Third, and intituled, "An Act Granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulation of the said Common Schools;" and also the Act of the said Legislature passed in the Sixtieth year of the Reign of His said late Majesty, and intituled: "An Act to amend and continue, under certain modifications, an Act passed in the Fifty-sixth year of His Majesty's Reign, intituled: 'An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulation of the said Common Schools:'" and also the Act of the said Legislature passed in the Fourth year of the Reign of His late Majesty, King George the Fourth, intituled, "An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage Education within the same," and also a certain Act of the Legislature of the late Province of Lower Canada, passed in the Second year of the Reign of His Late Majesty, King William the Fourth, and intituled: "An Act to repeal certain Acts therein mentioned, and for the further encouragement of Elementary Schools in the Country parts of this Province;" and also all other Acts, or parts of Acts, of the said Legislatures repugnant to or inconsistent with the Provisions of this Act, be and the same are hereby repealed.

*The alterations made by the mixed General Select Committee of the House of Assembly in the original Draft of Bill, as introduced by Solicitor-General Day, are printed in italics. See especially the new sections of the Bill (XI. and XVI.) authorizing the first establishment of Separate Schools in Upper Canada. The reasons for doing so are given by Sir Francis Hincks, on page 136.

Lower Canada Act, 2 William IV. cap. 26. These Acts repealed. A permanent School Fund to be created. Other moneys.

II. And be it enacted, That for the establishment, support and maintenance of Common Schools in each and every Township and Parish in this Province, there shall be established a permanent fund which shall consist of all such moneys as may recrue from the selling or leasing of any lands which, *by the Legislature of this Province, or other competent authority, may hereafter be granted and set apart for the establishment, maintenance and support of Common Schools in this Province, and of such other monies as are hereinafter mentioned*; and all such monies as shall arise from the sale of any such lands, or estates, and certain other monies hereinafter mentioned, shall be invested in safe and profitable securities in this Province, and the interest of all monies so invested, and the rents, issues and profits arising from such lands or estates as shall be leased or otherwise disposed of without alienation, shall be annually applied in the manner hereinafter provided, to the support and encouragement of Common Schools.

How invested and applied.

$50,000 annually granted for Common Schools.

III. And be it enacted, That for the establishment, maintenance and support of Common Schools in this Province there shall be granted to Her Majesty annually during the continuance of this Act, the sum of *Fifty Thousand Pounds Currency*, to be distributed among the several Districts in the manner hereinafter provided, and such aforesaid, from the said permanent fund, and of such further sum as may be required to complete the same, out of any unappropriated monies, which are now raised and levied, or which may hereafter be raised and levied by the authority of the Legislature, to and for the public uses of this Province: and the said annual grant shall be, and is, called "The Common School Fund."

A Superintendent of Education to be appointed. Salary. Duties.

IV. And be it enacted, That it shall be lawful for the Governor of this Province, by Letters Patent under the Great Seal thereof, to appoint from time to time one fit and proper person to be Superintendent of Education in this Province: and such Superintendent shall hold his office during pleasure, and shall receive such yearly salary not exceeding the sum of *Seven hundred and fifty pounds currency* as the Governor may appoint: and the duties of the Said Superintendent shall be:

Apportion School moneys.

Firstly:—To apportion in each and every year, on or before the *third Monday in May* in such year, the money annually granted by the Legislature as aforesaid, among the several Municipal Districts, in the ratio of the number of children over five and under sixteen years of age, that shall appear by the then last census of the Province, to be resident within such District respectively:

Certify apportionment.

Secondly:—To furnish the Receiver General of the Province, for his rule and guidance, with a certified statement or list of the apportionment of the money granted by the Legislature, under the provisions of this Act as aforesaid, among the several Districts:

Notify District Treasurers.

District Council to raise equivalent.

Thirdly:—To certify the apportionment of the public money as aforesaid, to the Treasurer of each and every of the said Districts respectively, who shall lay the same before the District Council, to the end that such District Council may direct, and they are hereby authorised and required to direct, such a sum to be raised and levied for the purposes of this Act, and within their respective districts over and above all rates raised for other purposes, as shall be equal in amount to the money so apportioned from the Provincial Treasury.*

*The Municipal Act of 1841, 4th and 5th Victoria, Chapter X., Section XXXIX., authorizes District Councils in Upper Canada to make By-laws, among other things, "For providing for the establishment of and a reasonable allowance for the support of Schools."

Fourthly:—*To visit annually each of the Municipal Districts in the Province, and ascertain the State of Common Schools therein, and for so doing he shall be allowed his reasonable expenses;* To visit the District annually.

Fifthly:—To prepare suitable forms for making reports and conducting the necessary proceedings under this Act, and to cause the same to be communicated to all such persons as shall be employed in carrying the provisions of this Act into effect; *and to address to the said persons such suggestions as may tend to the establishment of uniformity in the conduct of Common Schools throughout this Province: and the said Superintendent shall submit annually to the Governor of the Province, on or before the thirty-first day of December in each year, a Report on the actual state and condition of Common Schools throughout the Province, showing the monies expended on such Schools, and from what source derived, with plans for their improvement, and stating such other matters respecting Education generally as the Superintendent may deem useful and expedient, in order that the same may be laid before the Legislature at the meeting thereof then next following.* Prescribe Forms. Secure uniformity in the Schools.

V. And be it enacted, That the District Council of each District shall be a Board of Education of such District, and their duties as such Board shall be: District Councils to be Boards of Education.

Firstly:—To divide the several Townships and Parishes within their District into School Districts, to be designated by numbers, as one, two, three, and so on: (Provided always, that no such School District shall be established in which there be fewer than *fifteen* children between the age of five and sixteen resident therein,) and forthwith to furnish a full report of such Division of the District, with a proper description and designation of boundaries to the Superintendent of Education: and also to furnish a specification of the School Districts in each Parish or Township to the School Commissioners to be appointed for the same in the manner hereinafter provided. Duties of Board of Education.

Secondly:—To apportion and distribute to each of the said School Districts its share of the School Fund, which share shall be proportionate to the number of Children, between the ages of five and sixteen, resident in such school districts respectively. Distribute the School Fund.

Thirdly:—To apportion and cause to be assessed on the inhabitants of such School District a sum not exceeding *Fifty pounds* for the erection of a School-house in each School District in which none exists; Assess for School House.

Fourthly:—To apportion *to each Township and Parish*, a sum not exceeding *ten pounds*, in any one year, to be expended in the purchase of such Books as may be *required*. Grant Money for Books.

Fifthly:—To report their proceedings in matters relating to Common Schools and the State of such Schools within *the* District, to the Superintendent annually on or before the *first Monday in December* in each year. Report to Superintendent.

VI. And be it enacted, That if the District Council of any District shall at any time *neglect or refuse* to comply with the foregoing requirements of this Act, such District shall not be entitled to receive any sum of money out of the Common School Fund, until such requirements shall have been duly complied with, or a good and sufficient cause for non-compliance shall have been shown to the satisfaction of the Superintendent of Education. Penalty on District Councils.

VII. And be it enacted, *That at the Annual Township or Parish Meetings, to be held in the Month of January, one thousand, eight hundred and forty-two, and at each succeeding Annual Meeting, for the Election of Township and Parish Officers, there shall be elected in the manner prescribed by* School Commissioners to be elected.

Law for the election of such Officers, five Commissioners for each and every Township and Parish entitled to elect one District Councillor, and seven Commissioners for each and every Township entitled to elect two District Councillors and the said Commissioners shall be called "Common School Commissioners," and their duties shall be:

Duties.

Purchase School Site.

Repairs, etc.

Firstly:—To choose, and whenever funds shall be provided for that purpose by the District Council, to acquire a site for a Common School House in each School District in their Township or Parish in which no such School House shall exist at the time this Act shall come into force, and to make an estimate of the cost of such site and the expense of building a School House and of keeping the same in repair, and an estimate of the cost of furnishing each Common School in the Township or Parish with the necessary fuel and appendages; and to transmit such estimates to the clerk of the District Council in order that the Inhabitants of the respective School Districts may be assessed accordingly.

Superintend and Report.

Secondly:—To appoint for each of the School Districts within the Township or Parish one or more of their number to superintend the building and *repairing* of the Common School House in such School District, and the furnishing it with fuel and other necessary things and generally to manage the concerns of the School and report to the School Commissioners, once in three months, that is to say: on or before the *first Monday* in each of the months of *March, June, September and December* the state of such School, the amount of monies received for it, the manner in which such *sum* has been expended, the number of children above five and under sixteen years of age taught in it, and the number of days that each child has attended.

Appoint and Remove Teachers.

Thirdly:—To agree with and appoint, from time to time, Teachers in the said Common Schools, and to remove such Teachers, when they shall find just cause for so doing;

Proviso: Christian Brother as Teacher.

Provided always, that no person *except he be one of the persons known as les freres de la Doctrine Chritienne* shall be appointed a Teacher in any of the said Schools unless he be a subject of Her Majesty by birth, or naturalization, *of good moral character, and shall have been examined before the said Commissioners as to learning and ability.*

Course of Study and Books.

Fourthly:—*To regulate for each School respectively the course of study to be followed in such School, and the books to be used therein, and to establish general rules for the conduct of the Schools, and to communicate them in writing to the respective Teachers.*

Determine Disputes.

Fifthly:—*To hear and determine all disputes which may arise out of the proceedings of the Managing or Visiting Commissioners, hereinafter mentioned, or other matters of dispute in respect to Common Schools, within their Township or Parish.*

Visit Schools and Report.

Sixthly:—To appoint two or more of their number to visit each Common School in the Township or Parish, once at least in each month, and to report the state of such School, whether the rules and regulations established by the *Commissioners* are duly observed, the number and proficiency of the Scholars, the character and ability of the Teachers, the conduct of the Managing Commissioner, and all other matters connected with the management and well being of such School.

Warrants for School moneys.

Seventhly:—To grant warrants from time to time upon the *District Treasurer*, for such sums of money as may be required for paying the Teachers, and defraying the expenses of the several Common Schools within the Township or Parish: Provided always, that such warrants shall be signed *by a majority of the Commissioners, of which the Chairman shall be one*; and

that the sums of money to be paid under the same shall in no case exceed the amount then appropriated by Law *and collectively.*

Exonerate Poor Persons. Limitation.

Eighthly:—To exonerate such poor persons as they may deem fit, not exceeding ten in each School District, from the payment of the wages of Teachers, in this Act established, and required to be paid for each and every child attending any Common School.

Keep Minutes.

Ninthly:—To record and preserve all their proceedings in a Book to be provided for that purpose, the proceedings of each Meeting, with the names of the Commissioners present, being authenticated by the signature of the Chairman, and such book shall be delivered over by the Commissioners to their successors in office, *and it shall be the duty of the Town Clerks to attend all such meetings for the purpose of making such record.*

Report Proceedings.

Tenthly:—To report all their proceedings, and all matters connected with the several Common Schools in the Township or Parish to the District Council annually, on or before the *third Monday of November*, such report being in the form to be furnished by the Superintendent of Education.

Hand over Papers to Successors.

Eleventhly:—It shall be the duty of the said Common School Commissioners, within ten days after the expiration of their respective periods of service, to deliver to their successors in office any and all books, accounts, vouchers, papers, reports, and other documents, in their possession, as such Commissioners, and they may in case of default be thereunto constrained by all lawful ways and means.

Term of office. Vacancies.

VIII. And be it enacted, That the said Commissioners shall remain in office until the annual Township or Parish Meeting next following the time of their *election*, and until others shall be *elected* in their places; and in case the office of one *or more* Commissioners shall be vacated by death, refusal to serve, removal out of the Township or Parish, or incapacity, the vacancy shall be supplied by an appointment to be made by the *remaining Commissioners* at their first meeting after such vacancy shall occur.

School Site Vested in Commissioners. Proviso.

IX. And be it enacted, That the Common School Houses in each Township, or Parish, *now acquired, or hereafter to be acquired, under the provisions of this Act*, with the ground whereon they are situate, and all the appendages and furniture thereof, and books and other things thereunto appertaining, shall henceforward vest in and be held and possessed by the Commissioners of such Township, or Parish, and their successors in office, for ever, as Trustees for the purposes of this Act: Provided always, that no such School House or other thing thereunto appertaining, shall be sold or disposed of, or the site of any School changed, otherwise than by the consent of a majority of such Commissioners, of which majority the Chairman shall be one.

Duties of Township Collector. Exception. Pay over School Rates.

X. And be it enacted, That it shall be the duty of the Township, or Parish, Collector, to collect within the several School Districts respectively, all such rates as shall be assessed for the support of the several Common Schools within his Township or Parish, and also the sum of *one shilling and three pence* as additional wages for the Teacher, for each and every child attending any school, save and except for those children whose parents shall, by reason of their indigence, have been exempted from the payment of such sum; and such rates, and the said sum of *One Shilling and Three Pence* for each child, may, if not paid, be recovered by the Collector, or his successors in office, in any Court of competent civil jurisdiction; and the Collector shall pay over all such sums (after deducting therefrom such fees as he may be by Law allowed) into the hands of the *District Treasurer*, and shall at the same time deliver to the said *District Treasurer* a copy of the Assessment

Roll, or other statement, shewing the amount collected for such School Districts respectively, within his Township or Parish, *and the said District Treasurer shall keep separate accounts of all monies so paid in, and of all other monies appropriated to the several School Districts respectively.*

Separate Schools may be Established.

XI. *Provided always, and be it enacted, That whenever any number of the Inhabitants of any Township, or Parish, professing a Religious Faith different from that of the majority of the Inhabitants of such Township, or Parish, shall dissent from the regulations, arrangements, or proceedings, of the Common School Commissioners, with reference to any Common School in such Township, or Parish, it shall be lawful for the Inhabitants, so dissenting, collectively to signify such dissent in writing to the Clerk of the District Council, with the name or names of one or more persons elected by them, as their Trustee, or Trustees, for the purposes of this Act: and the said District Clerk shall forthwith furnish a certified copy thereof to the District Treasurer; and it shall be lawful for such dissenting inhabitants, by and through such Trustees, or authorities, and be subject to the obligations and liabilities hereinbefore assigned to, and imposed upon the Common School Commissioners, to establish and maintain one or more Common Schools in the*

Condition.

manner and subject to the visitation, conditions, rules and obligations in

Right to receive School Moneys.

this Act provided, with reference to other Common Schools, and to receive from the District Treasurer their due proportion, according to their number, of the monies appropriated by Law and raised by assessment for the support of Common Schools, in the School District, or Districts, in which the said Inhabitants reside, in the same manner as if the Common Schools so to be established and maintained under such Trustee or Trustees, where established and maintained under the said Common School Commissioners, such monies to be paid by the District Treasurer upon the Warranty of the said Trustee or Trustees.

Condition of receiving School Grant.

XII. And be it enacted, That no Common School shall be entitled to any apportionment of money out of the Common School Fund, except on the terms and conditions following, that is to say: Such School shall have been open for at least *nine months*, during the *year* then last past, and shall have been during the said term, and shall continue to be at the time such appointment is made, regularly attended by at least *fifteen* children between the ages of five and sixteen. The Reports hereinbefore required, shall have been

School Moneys, how raised.

regularly made with regard to such Common School: and the sum paid by the Inhabitants by assessment or otherwise towards the support of such Common School, for the period for which the apportionment shall be made,

Exemption.

shall have been at least equal to the sum apportioned: Provided always, that it shall be lawful for the School Commissioners in each Township, or Parish, with the approval of the District Council, to exempt in whole or in part any number of School Districts, not exceeding *two* from the payment of such sum towards the support of their Common Schools, on account of the poverty of their Inhabitants, and the School Districts so exempted shall nevertheless receive their apportionment from the School fund: and provided also, that nothing in this section contained shall prevent or be construed to prevent the apportionment and payment of monies under this Act, towards the establishment and maintenance of any Common School for the first year after the passing of this Act.

Moneys remain unaffected.

XIII. And be it enacted, That if any monies, having formed part of the Annual Grant, made under this Act out of the public funds of the Province, shall, by reason of any non-compliance with the requirements of this Act, or from any other cause, remain *unpaid* to any of the purposes for which they are granted, after the expiration of the time during which they ought to be

so applied, such monies shall, on demand, be returned and delivered by the person or persons in whose possession they may respectively be, to the Receiver General of this Province, and together with all monies forming part of the Annual Grant aforesaid, which shall remain in his hands unapplied, to the purposes of this Act, after the expiration of the time during which they ought to be so applied, shall be invested by him in the manner hereinbefore prescribed, with respect to the monies forming the permanent fund for the maintenance and support of Common Schools, and shall form part of the said fund. How disposed of.

XIV. And be it enacted, That if any Common School Commissioner, or other person, shall *wilfully* make a false Certificate, or Report, by means whereof any monies shall be fraudulently obtained from and out of the said Common School Fund, such Commissioner, or other person, shall not only restore the money so fraudulently obtained, but shall be liable to a penalty *not exceeding ten pounds currency*, for the benefit of the said fund, to be recovered at the suit of the District Clerk, or of the City Clerk, as the case may be, on the oath of one or more credible witness, or witnesses, before any two of Her Majesty's Justices of the Peace, and if not paid, to be levied with costs by distress and sale of the Defendant's goods and chattels, under the warrant of such two Justices, or of either of them. Penalty on False Returns. Fine.

XV. And be it enacted, That in each of the Cities and Towns Corporate, in this Province, all and every the powers, rights and duties conferred and imposed by this Act upon District Councils with respect to Common schools in their Districts, are hereby vested in, and shall be henceforward exercised and performed by, the Corporation of each of the said Cities or Towns respectively, subject to all the conditions and regulations hereinbefore established, with respect to the said District Councils. School Powers in Cities and Towns.

XVI. And be it enacted, That it shall be lawful for the Governor of this Province to appoint from time to time, in each of the Cities and Towns Corporate *therein*, not less than *six* nor more than *fourteen* persons, (*one half of whom shall in all cases be Roman Catholics, and the other half Protestants*), to be a Board of Examiners for each City or Town Corporate; of which said Board the Mayor shall be Chairman, *but shall have no vote other than a casting vote; and the said Board shall be divided into two Departments, one of which shall consist of Roman Catholics, and shall exercise the duties hereinafter assigned to the Board of Examiners in and over the Common Schools attended by Roman Catholic Children only, and shall, in such cases, appoint their Chairman, and the other Department shall consist of Protestants, and shall exercise their said duties in and over the Common Schools attended by the Protestant Children only, and shall, in such cases, appoint their Chairman, and in all cases in which the said Common Schools are attended by Roman Catholic Children and Protestant Children together, the said duties shall be exercised in and over the same by the whole Board of Examiners; and the duties of the said Board, and of the said Departments thereof, in the several cases above mentioned, in and for the said Cities and Towns Corporate respectively, shall be to examine the persons recommended as Teachers by the Corporation, and reject them, if unqualified, on the ground of character or ability, and to regulate for each School separately the course of study to be followed in such School, and the Books to be used therein, and to establish general rules for the conduct of the Schools, and communicate them in writing to the respective Teachers;* in addition to which duties the Board of Examiners in any City or Town Corporate shall be visitors of the Common Schools in such City or Town Corporate, and as such Visitors Board of Examiners in Cities and Towns. Roman Catholic Section. Protestant Section. Board to be Visitors.

it shall be the duty of the Board to appoint two or more of their number to visit each of the Common Schools in such City or Town Corporate, at least once in every *three months*, and to report to the Corporations upon all matters connected with each of the said Common Schools, in detail, as fully as Common School Commissioners, and the Visitors of them appointed, are bound to report to the District Councils under the provisions hereinbefore contained.

School Powers of City and Town Councils.

XVII. And be it enacted, That all and every the rights, powers and duties by this Act conferred and imposed upon the Common School Commissioners, with respect to the Common Schools under their authority and control, and hereinbefore enumerated in the seventh section of this Act, under the first, third, and *eighth* divisions of the said section, shall in each of the said Cities and Towns Corporate and with respect to the Common Schools therein to be established vest in and be exercised and performed by the Corporations thereof respectively; who in addition thereto are hereby empowered to appoint such and so many persons as they may deem fit severally to do and perform for and with respect to the Common Schools in the said Cities and Towns Corporate respectively, all and every the duties, matters, and things hereinbefore by the seventh section of this Act required to be performed by one of the Common School Commissioners, with reference to the Common Schools under their authority and control, and specified in the first and second divisions of the second section; and to provide by *By-Laws* such rules and regulations for the conduct and guidance of such person as they may respectively deem expedient.

Seventh Section of this Act.

Cities and Towns entitled to School Grant.

XVIII. And be it enacted, That the said Cities and Towns Corporate, respectively, shall be entitled to an apportionment of monies from the Common School Fund upon the same terms and conditions as are hereinbefore prescribed with respect to District Councils, and upon no other; and any monies so apportioned shall be paid to the City Treasurer, or other Officer performing the duties of Treasurer in the said Cities and Towns Corporate, respectively, and be paid over by him upon such authority and subject to such regulations as are provided in the said several Cities and Towns Corporate, respectively, for the payment of monies belonging to the Corporation in other cases, or as may be hereafter provided in that behalf.

Report to the Superintendent of Education.

XIX. And be it enacted, That the said Corporation shall on the *first Monday of December*, in each and every year, report to the Superintendent of Education all matters and things relating to Common Schools within the said Cities and Towns Corporate, respectively, connected with the well being of such Schools, in the same manner and as fully in all respects as the District Boards of Education *and Common School Commissioners* are, by this Act, bound to report, with respect to Common Schools within their respective Districts, *Townships and Parishes.*

Penalties for Non-serving and Neglect.

XX. And be it enacted, That any person chosen or appointed to any office under this Act, who shall, without sufficient cause, refuse to serve therein, shall forfeit the sum of *Twenty-five Shillings Currency;* and every person so chosen *or* appointed, and not having refused to accept, who shall neglect to perform the duties of his office, shall forfeit the sum of *Twenty-five Shillings*, and all such forfeitures shall be paid to the Treasurer of the District, City or Town, as the case may be, in which they are so forfeited, for the benefit of the Common School Fund, and may be recovered in the same manner as is provided with regard to fines incurred by making fraudulent reports and certificates, as aforesaid.

Forfeiture.

School Money paid to Governor Warrant.

XXI. And be it enacted, That the several sums hereby granted, or apportioned, under the provisions of this Act, to the several Districts of this Province, shall be paid by the Receiver General for the time being to the Treasurer of each District respectively, in discharge of such Warrant or Warrants as shall from time to time be issued by the Governors of this Province, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the *Lords* Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

Powers of the Majority.

XXII. And be it enacted, That whenever no special provision is made by this Act, as to the particular Members, or as to the number of Members by whom any Act required to be done by any Board of *Education*, or by any *Commissioners, or Board of Examiners*, must be concurred in, it shall be understood that such Act may be validly performed by any majority of the Members of the Board.

Affirmation in certain cases.

XXIII. And be it enacted, That a solemn affirmation may be made, instead of an oath in every case, when an oath is required in this Act, if the person making the same be one of *the* persons authorized by law to make an affirmation instead of an oath; and that any false statement wilfully made on oath or affirmation, in any case where an oath or affirmation is required by this Act, shall be wilful and corrupt perjury.

Interpretation. "Governor." "Parishes." "Town Clerk." "Corporation."

XXIV. And be it enacted, That the word "Governor," whenever it occurs in this Act, shall be held to mean and include the Governor, Lieutenant-Governor, and Person administering the Government of this Province, and the words "Parishes" and "Townships," wheresoever they occur in this Act, shall, for all the purposes thereof, be held to mean and include reputed Parishes and Townships, and unions of Parishes and Townships, and of reputed Parishes and Townships, in and for which meetings of the inhabitant householders now are, or hereafter may be, by law appointed to be held; and the words "Town Clerk" shall be held to mean and include as well the Clerks of Parishes as the Clerks of Townships; and the word "Corporation" shall be held to mean the Common Council, or other body, or municipal authority, by and through whom the powers of the Corporation are exercised.

Operation of the Act, 1st January, 1842.

XXV. *And be it enacted, That this Act shall come into operation and have force and effect from and after the first day of January, in the year of our Lord, one thousand eight hundred and forty-two, and not before.*

THE SECOND COMMON SCHOOL BILL OF 1843, MADE TO APPLY TO UPPER CANADA ALONE.

In regard to this second Common School Bill of 1843, Sir Francis Hincks, in a speech which he delivered at the time, said:

"No one is more sensible than I am of the defects of the late School Law of 1841. So great, indeed, were they that it was found impossible to work it. The . . . School Law of that year (1841) was not framed by any Member of the Government, responsible to it, or otherwise. It was hastily put together by a Select General Committee of the House of Assembly, without that deliberation and care which such a Measure ought to have received."

The fact was that the Government had lost control of their own Bill in the House of Assembly, and, under the pressure of opposing forces, had referred it to

a Mixed General Committee of the House contrary to the salutary principles of Responsible Government.

The following is a copy of this School Act which was made to apply to Upper Canada alone:

7TH VICTORIA, CHAPTER XXIX.

AN ACT FOR THE ESTABLISHMENT AND MAINTENANCE OF COMMON SCHOOLS IN UPPER CANADA.

Sir Charles Theophilus Metcalfe, Governor-General.

Passed the 9th of December, 1843.

Chief Superintendent of Common Schools appointed

Whereas it is expedient to make provision for the Establishment and Maintenance of Common Schools in that part of this Province called Upper Canada, and also for the Establishment and Maintenance of Model Schools therein: Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: "An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same that the Secretary of this Province shall, ex-officio, be Chief Superintendent of the Common Schools of Upper Canada aforesaid, subject nevertheless to all lawful orders and directions in the exercise of his duties as such Chief Superintendent, as shall from time to time be issued, or given, in that behalf by the Governor of this Province.

Assistant Superintendent.

II. And be it enacted, that it shall and may be lawful for the Governor of this Province, from time to time, to appoint an Assistant Superintendent of Common Schools for Upper Canada aforesaid, who shall act in all things under the direction of the said Chief Superintendent.

Superintendent to apportion the Moneys arising from the Common School Fund; and in what ratio.

III. And be it enacted, that on, or before, the first day of March in each year, it shall be the duty of the said Chief Superintendent, after deducting any sum which shall be set apart for the maintenance of Model Schools, as hereinafter provided, to apportion any sum, or sums, of money, appropriated by the Legislature for Common Schools in Upper Canada aforesaid for the year, under, or by virtue of any Act or Acts passed, or to be passed in that behalf, and that such Apportionment shall be made according to the ratio of population of each County, Township, Town, or City, as compared with the population of Upper Canada, according to the Census of population which shall last have been taken and returned at the time of such apportionment.

To apportion the same according to the best of his judgment in certain cases.

IV. And be it enacted, that when the Census, or returns, upon which an Apportionment is to be made shall be so far defective in respect of any County, Township, Town, or City, as to render it impracticable for the Chief Superintendent to ascertain the share of School Moneys which ought to be apportioned thereto, and whenever, in consequence of the erection of a New County, Township, Town, or City, or the alteration of the boundaries thereof, the apportionment under the Census then last taken would become inapplicable, or would be unjust, as between two, or more, Counties, Townships, Towns, or Cities, the Chief Superintendent shall make his apportionment for the year, according to the best evidence in his power, upon the facts upon

which the ratio of apportionments as to such Counties, Townships, Towns, or Cities, shall depend.

To notify the apportionment to certain Officers.

V. And be it enacted, that the Chief Superintendent shall certify such Apportionment made by him to the Inspector General of the Province, and shall give immediate notice to the Local Superintendent of Common Schools of each County interested therein, stating the amount of moneys apportioned to his County, and to each Township, Town and City therein.

To prepare Forms and Regulations.

VI. And be it enacted, that the Chief Superintendent aforesaid shall prepare suitable Forms and Regulations for making all Reports and conducting all necessary proceedings under this Act, and shall cause the same, with such Instructions as he shall deem necessary and proper for the better Organization and Government of Common Schools, to be transmitted to the Officers required to execute the provisions of this Act throughout Upper Canada aforesaid.

And furnish Copies thereof and of this Act to the Local School Authorities.

VII. And be it enacted, that the Chief Superintendent aforesaid shall, from time to time, furnish to the County Superintendent throughout Upper Canada aforesaid, for the use of the several School Districts, such and so many copies of this Act, and of the Forms, Regulations and Instructions, prepared by him, as he shall deem requisite and necessary.

At what time the Annual School Allowance shall be Payable, and to whom.

VIII. And be it enacted, that the sum annually to be distributed for the encouragement of Common Schools in Upper Canada aforesaid, shall be payable on the first day of August in each year, by Warrant to the Superintendents of Common Schools of the several Counties in Upper Canada aforesaid.

Duty of County Superintendents as to such Moneys.

IX. And be it enacted, that each County Superintendent receiving such moneys shall forthwith give notice in writing to the Township, Town and City Superintendents of Common Schools within his County, of the amount apportioned to each Township, Town, or City, and shall hold the same subject to the orders of such Township, Town and City Superintendents respectively.

Such Moneys how to be appropriated if not applied for by the Local School Authorities, in any year.

X. And be it enacted, that in case the Local Superintendent of any such Township, Town, or City, shall not apply for, and receive, such moneys before the next receipt of moneys apportioned to the County, or, in case the Council of any Township, Town, or City, shall not be entitled, as such Township, Town, or City, to receive the sum apportioned thereto under this Act, the moneys remaining with the County Superintendent shall be retained by him, and shall be distributed, in addition to the moneys next received by him for distribution for Common Schools, as aforesaid, and in the same proportions.

Apportionment to be notified to Local Authorities.

XI. And be it enacted, that whenever the County Superintendent of Common Schools in any County shall receive from the Chief Superintendent notice of the apportionment of moneys to be distributed in his County, he shall forthwith transmit a certified copy of such Apportionment to each Township, Town and City Clerk, within such County, so far as the same relates to such Township, Town, or City.

Duty of Township, Town and City Councils on receiving notice of such apportionment.

XII. And be it enacted, that it shall be the duty of the said Clerk to lay such certified copy before the Council for his Township, Town, or City, and the Township, Town, or City Council shall, without delay, cause to be levied in the Township, Town, or City, a sum of money for Common School purposes at least equal (clear of all charges of collection) to the amount of public money apportioned to such Township, Town, or City; such sum to be increased at the discretion of the Council to an amount not more than double the said Apportionment of public money; and such sum, so to be raised, shall

be placed on the Collector's Roll, and shall be by him collected, in like manner as any other tax for such Township, Town, or city, and shall be by him paid over to the Township, Town, or City Superintendent of Common Schools.

Local Councils may exempt School Districts from the Tax on the ground of poverty.

XIII. And be it enacted, that it shall be lawful for any Township, Town, or City Council to exempt any number of School Districts, not exceeding two, within such Township, Town, or City, from the payment of the tax for the support of Common Schools, on account of the poverty of their inhabitants.

Superintendent of Schools for each Township, Town and City.

XIV. And be it enacted, that there shall be a Local Superintendent of Common Schools in each Township, Town, and City, to be appointed by the Council thereof, and to hold office during their pleasure; and every such appointment, and every vacancy occurring in the office, shall be notified within Ten days to the County Superintendent by the Township, Town, or City Clerk; and it shall be the duty of the Superintendent of each Township, Town, or City.

His duties.

1. To divide the same, subject to the direction and approval of the Township, Town, or City Council, into a convenient number of School districts and parts of districts, and to regulate and alter such districts and parts of districts, as hereinafter provided.

2. To describe and number the School districts and parts of districts, and to deliver the description and numbers thereof, in writing, to the Township, Town, or City Clerk, immediately after the formation, or alteration, thereof.

3. To apply for and receive from the County Superintendent the portion of School Moneys apportioned to the Township, Town, or City, and likewise from the Town, or City, Collector, or Treasurer, all moneys which shall be raised for the purposes of Common Schools in their Township, Town, or City; the aggregate of which moneys shall constitute the School Fund of the Township, Town, or City.

4. To apportion the said School Fund so soon as its amount shall have been ascertained among the several School districts and parts of districts within the Township, Town, or City, in proportion to the number of children residing in each, over the age of five and under the age of sixteen years, according to the last annual reports of the School Trustees.

5. To sue for and collect, by his name of office, all Penalties and Forfeitures imposed by this Act, within his jurisdiction, and with respect to which no other provision is made, which shall be incurred by any Officer, or Inhabitant, of the Township, Town, or City; and after deducting his costs and expenses, to add the sums recovered to the School Moneys received by him, to be apportioned and expended in like manner.

6. To visit all Common Schools within the Township, Town, or City, at least once a year, and oftener if he shall deem it necessary.

7. To examine all persons offering themselves as Candidates for teaching Common Schools within the Township, Town, or City, and on being satisfied of the qualification of the Candidates in respect of moral character, learning and ability, to grant Certificates in such form as shall be prescribed by the Chief Superintendent of Common Schools; which Certificates shall be valid for one year, and shall entitle the Holder thereof to teach a Common School within such Township, Town, or City respectively.

8. To annul any Certificate given by him, or any of his Predecessors in office, whenever he shall see just cause for so doing, by giving at least six

weeks' notice in writing to the Teacher who shall hold it, with the reasons which have led him to annul such Certificate, and giving the same notice and reasons to the Trustees of the School district in which he may be employed, and leaving with the Teacher, if he shall think himself aggrieved by the decision, the power to appeal by Memorial to the review and decision of the County Superintendent.

He shall transmit Reports to the County Superintendent.

XV. And be it enacted, that every Local Superintendent of Common Schools for any Township, Town, or City, shall make out and transmit to the County Superintendent, between the first day of January and the first day of March, in each and every year, a Report in writing, in a form to be prescribed by the Chief Superintendent, bearing date on the first day of January in the year of its transmission, and stating,—

What such Reports shall show.

1. The whole number of School districts and parts of districts, separately, set off within the Township, Town, or City.

2. The districts and parts of districts from which reports shall have been made to the Township, Town, or City Superintendent within the time limited for that purpose.

3. The length of time a School shall have been kept in each of such districts, or parts of districts, distinguishing what portion of that time the School shall have been kept by qualified Teachers.

4. The amount of public moneys received in each of the said districts and parts of districts, and also the further amounts raised by the Trustees for School purposes, and the application of the same.

5. The number of children taught in each over the age of five and under sixteen years; and also the number of children residing in each over the age of five and under sixteen years.

6. The whole amount of the moneys received by the Local Superintendent, or his Predecessor in office, during the year ending at the date of the Report, and since the date of the preceding last Report; distinguishing the amount received from the County Superintendent on account of the public money apportioned, the amount from the Township School Rate, and the amounts from any other and what sources.

7. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and from what cause.

He shall give security.

XVI. And be it enacted, that every Local Superintendent of Common Schools for any Township, Town, or City shall, before he enters upon the duties of his office, enter into a Bond with two, or more, sufficient Sureties to such amount as shall be required by the Township, Town, or City Council, and such Bond shall be to the Township, Town, or City, and the Sureties shall be to the satisfaction of the Township, Town, or City Council, and such Bond shall be conditioned for the faithful performance of the duties of such Local Superintendent.

Alterations of School Districts.

XVII. And be it enacted, that no alteration of any School district, made without the consent of the Trustees thereof, shall take effect until three months after notice in writing shall have been given thereof to one, or more, of such Trustees.

No apportionment to School Districts having no Report for the preceding year.

XVIII. And be it enacted, that in making the apportionment of School moneys among the several School districts, no share shall be apportioned to any district, or part of a district, from which no sufficient Annual Report shall have been received for the year ending on the last day of December preceding the apportionment.

Nor unless certain other conditions have been complied with.

XIX. And be it enacted, that no part of such moneys shall be apportioned, or paid, to any School district, or part of a district, unless it shall appear by such Report that a School had been kept therein for at least three months during the year ending at the date of such Report, by a qualified Teacher, and that all moneys received from the Township, Town, or City Superintendent, during the year ending at the date of such Report, have been faithfully applied in paying for the compensation of such Teacher.

Changes in the limits of School Districts. How to affect the apportionment in certain cases.

XX. And be it enacted, that if after the Annual Reports shall have been received, and before the apportionment of the School moneys shall have been made by the Local Superintendent, a district shall be duly altered, or a new district formed, so as to render an apportionment founded solely on the Annual Reports, unjust, as between two, or more, of the said districts, the Township, Town, or City Superintendent shall make an apportionment among such districts, according to the number of children in each, over the age of five and under sixteen years, ascertaining that number by the best evidence in his power.

The same as to new District formed out of others.

XXI. And be it enacted, that when a School district shall have been formed at such time previous to the first of January as not to have allowed a reasonable time to have kept a School therein for the term of three months, such district having been formed out of a district, or districts, in which a School shall have been kept for three months by a Teacher duly qualified during the year preceding the first day of January, the said new district shall be entitled to its allowance of School moneys; and the same shall be allotted by the Local Superintendent according to the number of children over the age of five and under sixteen therein to be ascertained according to the best evidence in the power of the Superintendent.

Appropriation of Moneys not applied for by the Trustees of any School District.

XXII. And be it enacted, that all moneys apportioned by the Local Superintendent of any Township, Town, or City, under this Act, to the Trustees of a School district, or part of a district, which shall have remained in the hands of the Local Superintendent for one year after such apportionment, by reason of the Trustees neglecting, or refusing, to receive the same, shall be added to the moneys next hereafter to be appropriated by such Local Superintendent, and shall be apportioned and paid therewith, and in like manner.

And of Moneys which cannot be apportioned by the Local Superintendent.

XXIII. And be it enacted, that in case any School moneys received by the Local Superintendent of any Township, Town, or City, cannot be apportioned by him for the term of two years after the same are received, by reason of the non-compliance of all the School districts in the Township, Town, or City, with the provisions of this Act, such moneys shall be returned by him to the County Superintendent, to be by him apportioned and distributed together and in the same manner with the moneys next thereafter to be received by him for the use of Common Schools.

School Districts forming part of two adjoining Townships.

XXIV. And be it enacted, that whenever it may be necessary, or convenient, to form a School district out of two, or more, adjoining Townships, the Local Superintendents of such adjoining Townships shall jointly regulate such district, and shall each visit the School therein established; and in such cases, or where any School-House shall stand on the division line of any two Townships, the Superintendent of either Township may examine into the qualification of any person offering to teach in such district, and may give him a Certificate of Qualification, and may annul the same, as hereinbefore provided.

Proceedings in case the Superintendent of a City, Town, or Township shall fail to make his Report.

XXV. And be it enacted, that in case the Local Superintendent of any Township, Town, or City, shall not, on, or before, the first day of March in any year, transmit to the County Superintendent his Report, as hereinbefore provided, it shall be the duty of the County Superintendent to give immediate notice of such neglect to the Chief Superintendent of Common Schools, and to the Warden, or Mayor, of such Township, Town, or City, and the share of the School moneys apportioned to such Township, Town, or City, may, in the discretion of the County Superintendent of Common Schools, be withheld and be distributed amongst the other Townships, Towns and Cities in the County, from which the necessary Reports shall have been received; and the Local Superintendent neglecting to make such Report, shall forfeit to the use of his Township, Town, or City, the sum of ten pounds; and when the share of school moneys apportioned to such Township, Town or City, or any part of such moneys, shall thus be lost to the Township, Town, or City, the Local Superintendent guilty of the neglect aforesaid shall further forfeit to the Township, Town, or City, the amount of the moneys so lost with interest, to be recovered of him and his Sureties; and it shall be the duty of the Township, Town, or City, Treasurer, upon notice of such loss from the County Superintendent of Common Schools, to prosecute without delay, in the name of the Township, Town or City, for such forfeiture, and the moneys recovered shall be distributed and paid by such Treasurer, to the several School districts and parts of districts, in the same manner as it would have been the duty of the Local Superintendent to have distributed and paid the same, if received by him as Common School money.

Such Superintendents to render Accounts, Pay Over Balances, etc.

XXVI. And be it enacted, that each Township, Town, and City Superintendent shall keep a just and true account of all school moneys received and expended by him each year, and shall deliver the same to the Township, Town, or City, Clerk, to be by him laid before the Council; and in case of the removal from office of any Township, Town, or City, Superintendent, or, in case of his resignation, or removal of residence from the Township, Town, or City, he shall immediately thereupon render to his Successor in office a just and true account of all school moneys received and expended by him during the year, and of all balances in his hands, and shall forthwith pay over all such balances to his said Successor, who shall appropriate the same in like manner as it should have been appropriated by such Local Superintendent had he remained in office; and if any such vacancy shall happen by the death of any Local Superintendent his personal Representatives, or Sureties, shall render such account and pay over such balance; and every Local Superintendent who shall refuse, or neglect, to render such account or to pay, over such balance, shall forfeit and pay the sum of Twenty-Five Pounds, which, together with such balance, so far as the same can be ascertained, and interest thereon, shall be recoverable from such Local Superintendent, or from his Sureties, at the suit of such Successor, whose duty it shall be to sue for the same in his name of office.

Penalty for Non-compliance.

The Clerk of the locality to be the Clerk of the Superintendent for the same; his duties as such.

XXVII. And be it enacted, that the Township, Town, or City, Clerk in each Township, Town, or City, respectively, shall be the Clerk of the Local Superintendent of Common Schools for such Township, Town, or City, and he shall receive and keep all Reports made to the Superintendents by the Trustees of School districts, and all Books and Papers belonging to the Office of the Superintendent, and shall prepare, under his direction, all his Reports, Estimates, and Apportionments, of School money, and shall record the same and his other proceedings in a Book to be kept for that purpose, and shall

receive all such Communications as may be directed to him by the Chief Superintendent of Common Schools, and shall dispose of the same in the manner directed therein, and shall transmit to the County Superintendent all such Reports as shall be made for him by the Township, Town, or City, Superintendent, and generally shall do and execute all such things as belong to his Office and may be required of him by the Superintendent for his Township, Town, or City.

Further duties.

XXVIII. And be it enacted, that it shall be the duty of every Township, Town, or City, Clerk to report in writing to the County Superintendent for the County in which his Township, Town, or City, may be situate, every appointment of a Township, Town, or City, Superintendent which may be made from time to time by the Township, Town, or City Council, and the name and address of the person so appointed, and also every vacancy occurring in the said Office of Township, Town, or City, Superintendent, within seven days after such appointment, or vacancy, shall have taken place.

County Superintendents to be appointed, and by whom.

XXIX. And be it enacted, that there shall be a County Superintendent of Common Schools in each County to be appointed by the Court of Wardens for such County, and to hold office during their pleasure; and in case the Court of Wardens shall neglect, or refuse, to appoint such County Superintendent at their first meeting in each year, or at their first meeting after any vacancy may have occurred, it shall and may be lawful for the Governor of this Province to make such appointment, and the person so appointed shall hold office until a Successor shall have been appointed by the Court of Wardens, and shall have given the security required by this Act.

Duty of the County Clerk in case the office of County Superintendent be not filled, or become vacant.

XXX. And be it enacted, that it shall be the duty of the County Clerk within seven days after the close of the first meeting of the Court of Wardens, held in any year, or after any vacancy in the office of County Superintendent may have occurred, to inform the Chief Superintendent of Common Schools whether the Court of Wardens, have, or have not, appointed a County Superintendent of Common Schools; and in case they have made such an appointment, it shall be the duty of the said County Clerk, to acquaint the said Superintendent with the name and address of the person so appointed; and, in the event of any vacancy taking place, it shall be the duty of the County Clerk to make the same known to the Chief Superintendent forthwith.

County Superintendent to give security.

XXXI. And be it enacted, that each County Superintendent of Common Schools shall, before he enters upon the duties of his office, enter into a bond with two, or more, sufficient sureties, to such amount as shall be required by the Court of Wardens; and such bond shall be to the County, and the sureties shall be to the satisfaction of the Court of Wardens, and such bond shall be conditioned for the faithful performance of the duties of such Superintendent.

He shall Examine Persons wishing to become Teachers.

XXXII. And be it enacted, that it shall be the duty of the County Superintendent of each County to examine all persons offering themselves as Candidates for teaching Common Schools within such County, and that in making such examination it shall be the duty of such Superintendent to ascertain the qualifications of the Candidate, in respect of moral character, learning and ability; and, if the County Superintendent shall be satisfied in respect to the qualifications of the Candidate, he shall deliver to the person so examined a certificate signed by him, in such form as shall be prescribed by the Chief Superintendent of Common Schools.

Nature of the Certificates of Qualification to be granted by him.

XXXIII. And be it enacted, that the certificates so to be granted may either be general, in which case they shall be valid throughout the County, or special, in which case the Township, Town, or City, or School district, in which such applicant shall be authorized to teach, shall be specified; and such special certificate shall qualify the person to teach only within the place so specified.

General Certificates to be valid until revoked.

XXXIV. And be it enacted, that such general certificate shall be valid until the same is annulled, or otherwise revoked, by the County Superintendent; and such special certificate shall be valid for the year in which it is granted, unless so annulled or revoked.

In what manner they will be revoked.

XXXV. And be it enacted, that the County Superintendent may annul whenever he shall see just cause to do so any such certificate given by him or by any of his predecessors in office or by any Township, Town, or City, Superintendent of Common Schools, giving at least ten days' notice in writing to the Teacher who shall hold it, and to the Trustees of the School district in which he may be employed, of his intention to annul the same; and that such annulling of any certificate shall not disqualify the Teacher to whom it was given, until a note in writing thereof, containing the name of the Teacher and the time when his certificate was annulled, shall be made by the County Superintendent and filed in the office of the Township, Town, or City, Clerk.

Re-examination of Teachers in certain cases.

XXXVI. And be it enacted, that the County Superintendent shall, so often as he shall be required thereto by the Chief Superintendent of Common Schools, and so often as such County Superintendent shall deem it expedient, require a re-examination of all or any of the Teachers in the County, for the purpose of ascertaining his, her, or their, qualifications to continue as such Teachers.

Aliens not to be Teachers after a certain time.

XXXVII. And be it enacted, that from and after the first day of January which will be in the year of our Lord, one thousand eight hundred and forty-six, it shall not be lawful for any Township, Town, City, or County, Superintendent of Common Schools, to grant any certificate to any person as a Teacher of a Common School, or of Common Schools, who shall not at the time of granting such certificate be a natural born, or naturalized, subject of Her Majesty, Her Heirs, or Successors.

County Superintendents to Visit Schools.

XXXVIII. And be it enacted, that it shall be the duty of the Superintendent of Common Schools for each County, to visit all Common Schools therein at least once a year, and oftener, if he shall deem it necessary.

His duty at such Visitations.

XXXIX. And be it enacted, that at such visitations, the said Superintendent shall examine into the state and condition of the Schools, both as respects the progress of the scholars in learning, and the good order of the Schools, and may give his advice and direction to the Trustees and Teachers as to the government thereof, and the Course of Studies to be pursued therein.

MUNIFICENT PARLIAMENTARY GRANT IN AID OF COMMON SCHOOLS IN 1841.

In passing the Common School Act of 1841, provision was made, (far beyond what was originally intended for the establishment of a Common School Fund,) and a munificent sum, as compared with former grants, was set apart by the Common School Act of 1841 for "the Support and Maintenance of Common Schools in the United Province of Canada." The Third Section of that Act provided as follows:

That, for the Establishment, Maintenance and Support of Common Schools in this Province, there shall be granted to Her Majesty annually, during the continuance of this Act, the sum of Fifty Thousand Pounds Currency (£50,000), to be distributed among the several Districts in the manner hereinafter provided, and such aforesaid, from the said permanent Fund, and of such further sum as may be required to complete the same, out of any unappropriated monies, which are now raised and levied, or which may hereafter be raised, and levied, by the authority of the Legislature, to and for the public uses of this Province: and the said annual grant shall be, and be called "The Common School Fund."

The peculiar circumstances, under which this then very large sum was set apart for Common Schools, are thus narrated by the Honourable Isaac Buchanan, in a Letter addressed to the Editor of the Documentary History of Education in 1882. In that Letter, Mr. Buchanan said:

In 1830, I had, as an extra of the *Albion* newspaper, published by Mr. Cull, (about the time York became Toronto), proposed a plan of settlement for the Clergy Reserves question, fitted to solve the difficulties connected with them, whether Industrial, Educational, or Political. My proposal was that an educational tax should be levied, the payments by each Church being shewn in separate columns, and each denomination receiving from the Clergy Reserve Fund a sum in the proportion of its payments for Education.

This first attempt of mine to get an endowment for Education failed, as there was then no system of Responsible Government. But five years afterwards (in 1840), when my election for Toronto had decided the question of Responsible Government, and before the first Parliament met, I spoke to Lord Sydenham, the Governor-General, on the subject. He felt under considerable obligation to me for standing in the breach, when the Honourable Robert Baldwin found that he could not succeed in carrying Toronto. I told him that I felt sure that, if we were allowed to throw the accounts of the Province into regular Books, we would show a surplus over expenditure. His Excellency agreed to my proposal, and I stipulated that, if we showed a surplus, half would be given as an endowment for an Educational System. Happily, we found that Upper Canada had a surplus revenue of about $100,000 a year—half of which the Parliament of 1841 set aside for Education, as agreed—the law stipulating that every District Council getting a share of it would locally tax for as much more, and this constituted the financial basis of our Educational System in 1881. Thus I have given you a glimpse of the time when Doctor Ryerson and I were active co-operators. (*Story of My Life, page* 287.)

APPOINTMENT OF THE REVEREND DOCTOR EGERTON RYERSON—FIRST AS ASSISTANT SUPERINTENDENT OF EDUCATION FOR UPPER CANADA IN 1844, AND AFTERWARDS, IN 1850, AS CHIEF SUPERINTENDENT OF EDUCATION.

Sir Francis Hincks' Narrative of the Circumstances of Doctor Ryerson's Appointment.

The Honourable Mr., (afterwards Sir), Francis Hincks, in the "Reminiscences of his Public Life," thus narrates the circumstances connected with the appointment of the first Assistant Superintendent of Education for Upper Canada:

A few months after Sir Charles Bagot's assumption of the Government of Canada, in 1842, it became necessary to fill the ofice of Superintendent of Common Schools, which had

HONOURABLE FRANCIS HINCKS.

REVEREND DOCTOR RYERSON.

been created by an Act of the Legislature, passed in the preceding Session. The appointment was conferred on the Reverend Robert Murray, (M.A.), Presbyterian Minister, resident of Oakville, Upper Canada. Mr. Murray, of Bronte, near Oakville, who was neighbour and friend of the Honourable S. B. Harrison, then Provincial Secretary, was nominated by him, and received his appointment from Lord Sydenham's successor, Sir Charles Bagot.

After an incumbency of rather more than two years, Mr. Murray accepted the Professorship of Mathematics in the University of Toronto, owing, as is stated by Doctor Hodgins, in his "*Story*" of the Life of the Reverend Doctor Egerton Ryerson, to his "feeling the anomalousness of his position, and his inability and powerlessness to establish a system of Public School Education."

Doctor Hodgins has devoted some Chapters of his Life of Doctor Ryerson to a narrative of Doctor Ryerson's Correspondence with the confidential Secretaries of Lord

Metcalfe, Lord Sydenham and Sir Charles Bagot. In a letter to Mr. T. W. C. Murdock, Private Secretary to Lord Sydenham,* the Governor-General, he said that, in the last interview that he had with that Nobleman, it was intimated to him that "he might be more usefully employed for his Country than in his then limited sphere" as Principal of Victoria College. His reply was that he "could not resign his present official position in the Church" at that time; but he proceeded to state, that he knew of no position that would suit him, likely to be at the disposal of the Government, except the Superintendency of the Common Schools, under the School Bill then before the Legislature.

Lord Sydenham was not, at the time, certain of the passage of the Bill, but expressed his determination to get it passed, if possible, so as to give effect to what he had proposed. There is, however, no doubt that had the Governor-General, Lord Sydenham, not met with the fatal accident of the fall from his Horse, which terminated his life, in September, 1841, the Reverend Doctor Ryerson would, as I have shown in "The Story of [his] Life," have been appointed in that year.

In point of fact, the appointment was first spoken of to Doctor Ryerson by Lord Sydenham himself, in the autumn of 1841. The particulars of that circumstance are mentioned in detail in the Letter referred to, written, by Doctor Ryerson to Mr. T. W. C. Murdoch, Private Secretary to Sir Charles Bagot, on the 14th January, 1842, and to which Sir Francis Hincks refers. Doctor Ryerson said:

In the last interview with which I was honoured by [Lord Sydenham], he intimated to me, that he thought I might be more usefully employed for this Country than in my present limited sphere; and whether there was not some position in which I could more advantageously serve the Country at large. I remarked, that I could not resign my present official position in the Church, with the advocacy of whose interests I had been entrusted, until their final and satisfactory adjustment by the Government, as I might thereby be represented as having abandoned or sacrificed their interest; but that after such adjustment I should feel myself very differently situated, and free to do anything which might be beneficial to the Country, and which involved no compromise of my professional character; that I knew of no such position likely to be at the disposal of the Government except the Superintendency of Common Schools, (provided for in the Common School Bill then—in 1841—before the Legislature), which Office would afford the Incumbent a most favourable opportunity, by his communications, preparation and recommendation of Books for Libraries, etcetera, to abolish differences and jealousies on minor points; to promote agreement on great principles and interests; to introduce the best kind of reading for the Youth of the Country; and the not onerous duties of which Office would also afford him leisure to prepare publications, calculated to teach the people at large to appreciate upon high moral and social considerations the Institutions established amongst them; and to furnish, from time to time, such expositions of great principles and measures of the administration as would secure the proper appreciation and support of them on the part of the people at large.

*In Professor Shortt's Life of Lord Sydenham in "The Makers of Canada" (Toronto: Morang & Company), the view he presents of Lord Sydenham, "the last and most powerful of the autocratic Governors, and the first and most influential of the diplomatic representatives under Responsible Government," is of an able man trained in British parliamentary practice, with a firm grasp of the ideals of the British Constitution, who succeeded in effecting a peaceable revolution in the Government of Canada. Intellectually, Lord Sydenham was inspired by the ideas of liberty and responsibility in the life of a people. He was a man of remarkable energy, and he had behind him a tradition in honourable commerce and finance, having been engaged in the Russian Baltic trade, with an establishment in St. Petersburg, as well as in London. John Thomson, father of the Canadian Governor, added to his name in 1820 that of Poulett in memory of his Mother. Charles Edward Poulett Thomson, afterwards Lord Sydenham, was born in 1799.

Lord Sydenham expressed himself as highly gratified at this expression of my views and feelings; but the passing of the Common School Bill was then doubtful; although his Lordship expressed his determination to get it passed, if possible. . . .†

Apart from this statement of the intentions of Lord Sydenham, it is also clear that the determination of Sir Charles Metcalfe to appoint Doctor Ryerson to a position in which he could carry out a comprehensive scheme of Public School Education, in Upper Canada, was come to some time before the question of the difference between "Sir Charles Metcalfe and his late Councillors" in 1843 had engaged Doctor Ryerson's attention, and even at a time when his impressions on the subject were rather against the Governor-General. This conclusion was arrived at by Sir Charles Metcalfe, after full and frequent conversations with Doctor Ryerson on the subject of the Baldwin University Bill. On the 18th of December, 1843, Lord Metcalfe's Private Secretary wrote a Letter to Doctor Ryerson, in which he stated that "His Excellency will be happy to have some conversation with you on the question to which I allude (*i.e.*, the University Bill) the first time you may visit this part of the Province."

Doctor Ryerson soon afterwards went to Kingston and saw Sir Charles Metcalfe on this subject. In a Letter written to the Honourable W. H. Merritt, shortly after this interview, Doctor Ryerson said that His Excellency's object in sending for him was with reference to the University question, then pending before the Legislature. He further states that:

Toward the close of 1843, Sir Charles Metcalfe determined to prepare and give effect to a liberal measure on the University question—on which subject the Honourable Robert Baldwin had proposed elaborate and comprehensive Resolutions. Sir Charles Metcalfe sent for me to consult with me on the University question, as I was then connected with one of the Colleges. (Victoria.) I explained to His Excellency my views, and added that the educational condition of the Country at large was deplorable, and should be considered in a System of Public Instruction, commencing with the Common School and terminating with the University; being connected and harmonious throughout, and equally embracing all classes, without respect to religious sect, or political party. Sir Charles was much impressed and pleased with my views, and expressed a wish that I could be induced to give them public and practical effect.

Doctor Ryerson then goes on to say:

While I expressed my views on that question, I endeavoured to impress upon the Head of Government the still greater importance of doing something to meet the pressing and extensive educational wants of the people at large. My views were considered important and practicable,—so much so, that, in a second interview which I had with the Governor-General, a desire was expressed that I would undertake to give them effect; and I was informed that the appointment to the Office of Assistant Superintendent under the then new Act had not been made, upon the ground that the Government were desirous if possible of making a more efficient arrangement than had been made in 1842 for the interest of Common Schools in Upper Canada.

The subject was new to me, except that, in 1841, as I have stated, Lord Sydenham had intimated the same thing in regard to myself, a few days before the occurrence of the accident which terminated his life; but I had mentioned it to no Member of his, or the

†It is clear that Doctor Ryerson looked forward at this time to his appointment as Superintendent of Education for Upper Canada, and intended, in that case, to make me his Assistant in the work. For the subject, which as Principal of Victoria College he assigned to me as a theme for the College Examinations was "*The Educational Prospects of Canada.*" I therefore prepared it in March, 1843, and recited it at the Spring Examinations at Cobourg of that year.

succeeding, Government,—having no need of Office, and never having asked a personal favour of any Government in my life. My reply was, that if the Office were offered to me, I would lay the subject before the Authorities of my Church, and, if they consented, I would undertake the task, provided an arrangement was made in accordance with the wishes and interests of the Gentleman who had acted as Deputy Superintendent of Schools under the former Act (of 1841). I may add, that one reason assigned for offering the Office to me,—apart from any personal views and supposed fitness,—was, that it would show to the Country that the principles of Equal Rights and the interests to all Religious Denominations (I being a Methodist) would be the rule of Government in educational matters, and not the principles of high churchism, as was represented.

A few days afterwards I received an Official Letter, tendering to me the Office. That Letter I laid before the collected Executive Authorities of my Church; and they unanimously approved of my accepting it.

Now all this occurred [in February and March, 1844]—several weeks before I wrote, or thought of writing, a line upon any public question then agitated. And when I did decide to do so, (for to me imperative reasons which I publicly assigned at the time), [on the 27th of May, 1844], I decided, without consulting any human being; and I believe no man in Canada was more surprised at it than was the Head of the Government. I then declined accepting the Office which had been offered me, desiring the Government to exercise its own discretion without reference to me to fill up the Office or not,—by avowing that, at any future period I would accept it only on three conditions:—

First, That the wishes, as well as the interests of Mr. Murray,—the Gentleman who had performed the duties of the Office under the former Act—should be consulted;

Secondly, That the people of Upper Canada should approve of that administration of the Royal prerogative, irrespective of sect, or party, as the rule of selection for the public service; and

Thirdly, That I should devote a year to preliminary inquiry and investigation, before committing the public, or myself, to any measures, with a view of establishing an efficient School System in Upper Canada.

I may here state that Doctor Ryerson, on the 26th of February, wrote to the Governor-General on the University Question. Mr. Secretary Higginson replied, and, at the conclusion of his Letter, repeated the offer which Sir Charles Metcalfe had made at the close of the year. He said:

The Governor-General is so sensible of the great value of the aid you would bring the Government in the intellectual improvement of the Country, that he anxiously hopes, as suggested, that some arrangement may be devised satisfactory to you to obtain your co-operation; and His Excellency's mind is bent on that object, and will be happy to hear any further suggestion from you with a view to its accomplishment.

No reply was sent to this Letter.

The Honourable Isaac Buchanan, in a Letter to the Editor of this Volume, dated the 24th of March, 1883, said:

Being on the other side of the Atlantic from the fall of 1841 to that of 1843, I was not in circumstances to know to what extent the name of Doctor Ryerson was discussed prior to the appointment of Mr. Murray [in May, 1842]; but I cannot believe that the minds of many who knew him to be the fittest man could have been otherwise than on Doctor Ryerson. On the contrary, I believe that nothing prevented him being gladly offered the originating of an Educational System for Upper Canada—a Province which he knew so well and loved so much—but the most unworthy Church prejudices of parties who had influence with the Government of the day, for it was known to be a herculean

task which no one could do the same justice to as Doctor Ryerson, and which few men (however great as scholars themselves), could have carried through at all.

I was one of the first to see the necessity of our getting Doctor Ryerson to take hold of our Educational System, and I shared the somewhat delicate duty of getting our esteemed friend, the Reverend Robert Murray (whom we had got appointed Assistant Superintendent of Education), to accept a Professorship at the Toronto University, when the Reverend Doctor Ryerson succeeded to the vacant post in 1844.*

HAMILTON, 24th of March, 1883. I. BUCHANAN.

The Honourable Sir Francis Hincks, in his "Reminiscences of his Public Life," thus further narrates the circumstances connected with the appointment of Reverend Doctor Ryerson as Assistant Superintendent of Education:

"After an incumbency of rather more than two years, the Reverend Robert Murray accepted the Professorship of Mathematics in the University of Toronto, owing to his feeling the anomalousness of his position, and his inability to establish a system of Public School Education."

In 1844, Mr. Murray having been made Professor of Mathematics in the University of King's College, the Reverend Doctor Ryerson was appointed Assistant Superintendent of Schools in his place. The announcement of this appointment appeared in the *Canada Gazette* of October, 1844, as follows:

"His Excellency the Governor-General has been pleased to appoint:—

"The Reverend Egerton Ryerson, D.D., to be Assistant Superintendent of Education for that part of the Province formerly Upper Canada, in place of the Reverend Robert Murray, appointed a Professor in the University of King's College, and all communications connected with the Education Office for Upper Canada are to be addressed to him at Cobourg."†

Doctor Ryerson was notified of his appointment by Letter in September, 1844, but was not gazetted until the 18th of the next month. It was my good fortune to be associated with him from the time of his appointment in 1844 until he retired from office in 1876.

APPOINTMENT OF THE REVEREND DOCTOR RYERSON'S ASSISTANT IN THE EDUCATION OFFICE FOR UPPER CANADA.

On the 3rd of August, 1846, the Reverend Doctor Ryerson wrote to the Honourable Dominick Daly, Secretary of the Province, recommending the provisional appointment of a Clerk in the Education Office for Upper Canada. He said:

On my appointment to office in the Autumn of 1844, I applied to His Excellency, Lord Metcalfe, through Mr. Civil Secretary Higginson, for permission to appoint a Clerk in

*The Hon. Isaac Buchanan, in a Letter to the Editor, dated the 11th of April, 1882,—speaking of these times and events said: I was one of Doctor Ryerson's oldest friends and co-operators that have survived him. I came out to Montreal as a partner in a mercantile firm; and in the fall of 1831 I came up to York to establish a branch House. From that time I had known Doctor Ryerson, and then formed that high opinion of both his abilities and his character which went on increasing more and more; so that for the last forty years of his life I have regarded him as Canada's greatest Son. Of late years I seldom met him, but when I did, it was an inexpressible pleasure to me, as an interchange of the most unbounded mutual confidences took place between us in our views and objects.

†On the passage of the School Act of 1850, Doctor Ryerson was appointed to be the Chief Superintendent of Education for Upper Canada. Up to that time the Provincial Secretary was Chief Superintendent of Education for United Canada.

the Education Office, intimating that, in the event of obtaining that permission, I intended to employ a worthy young man, by the name of John George Hodgins, from Dublin, but who had been resident in this Province from his early youth [1833]; and that, should Mr. Hodgins, on trial, be found competent, I would, on a future occasion, formally submit his name for the office. My request was granted by His Excellency.*

While in Europe, in 1844, 45, an opportunity presented itself for procuring for Mr. Hodgins the means, without charge for instruction, of acquiring a practical knowledge of the Irish System of National Education. I accordingly wrote to Mr. Hodgins from Paris in March, 1845, advising him to prepare himself for greater efficiency in the Provincial Education Office and for greater usefulness in Canada, by passing through the prescribed course of instruction in the great Normal School in Dublin, and acquainting himself with all the practical details of the Governmental Office there, and the System of Elementary Instruction in Ireland. Mr. Hodgins has done so,—making the voyage across the Atlantic at his own expense. He has also visited the principal Normal and Model Schools in Glasgow, Edinburgh and London, and has even prosecuted his enquiries in Paris,—having brought with him, on his return to Canada, in 1846, (prepared by himself), plans of the Normal and Model Schools in Dublin and other places.

I herewith annex the Certificates of Messieurs Maurice Cross and James Kelly, Secretaries of the Commissioners of the Irish National Board of Education, and of Robert Sullivan, Esquire, LL.D., Professor and Head Master of the Irish National Normal School in Dublin, under whose immediate instruction Mr. Hodgins placed himself. . . .

I have, therefore, great pleasure in recommending that Mr. John George Hodgins be now appointed Clerk of the Education Office of Upper Canada.†

TORONTO, 3rd of August, 1846. EGERTON RYERSON.

ENCLOSURES:—CERTIFICATES FROM PROFESSOR SULLIVAN, AND THE IRISH NATIONAL BOARD OF EDUCATION.

1. *From Professor Robert Sullivan, LL.D., T.C.D.*

To J. George Hodgins, Esquire;

It gives me great pleasure to be able to certify that you have made yourself perfectly acquainted with the principles of the System of National Education which has been established in Ireland, and with the working of it in all of its details, and in the Training and Model Schools of this Establishment.

From your great zeal in the cause of Popular Education, and your intimate knowledge of the subject, in all its bearings, I am confident that you will prove yourself to be a most useful and most distinguished auxiliary to the eminent and excellent gentleman,—the Reverend Doctor Ryerson,—to whom I owe the pleasure of your acquaintance.

With best wishes for your happiness and success in the wide field to which your labours are destined,—in which my colleagues: the Reverend Professor McGauley, Mr. John Rintoul, Mr. Thomas Urry Young and all my other fellow-labourers join, I remain, My dear Sir, Your Sincere Friend.

ROBERT SULLIVAN, LL.D., *and Professor.*

NATIONAL EDUCATION OFFICE, DUBLIN, 13th of May, 1846.

* I have the honour, by command of the Governor-General, to acknowledge the receipt of your Letter of the 24th ultimo, representing the necessity which exists for the services of a Clerk in the Education Office, and recommending the provisional employment of Mr. John George Hodgins in that capacity, and to inform you, in reply, that His Excellency has been pleased to approve of the temporary appointment of Mr. Hodgins to the Office in question, at a salary of One Hundred and Seventy Five pounds, (£175,) currency, per annum.

KINGSTON, 18th of November, 1844. D. DALY, Secretary.

† In a Letter to Doctor Ryerson from Mr. Hopkirk, the Assistant Secretary, West, dated the 11th of August, 1846, this recommendation was approved, as follows: "I am to acquaint you, in reply to your Letter of the 3rd instant, that His Excellency has been pleased to approve of Mr. Hodgins' appointment, and to authorize him to enter on the duties of his office accordingly."

P.S.—The Resident Commissioner, the Right Honourable Alexander Macdonell, has requested me to convey to you his kind regards and best wishes for your success. R. S.*

2. *From the Secretaries of the Irish National Board of Education, Dublin.*

To J. George Hodgins, Esquire:

We are to state that, in compliance with the request of the Reverend Doctor Ryerson, you have been permitted to spend some time in the several Departments of the Official Establishment of this Institution,—a privilege of which you readily availed yourself. We are, etcetera,

NATIONAL EDUCATION OFFICE,
DUBLIN, 14th of May, 1846.

MAURICE CROSS,
JAMES KELLY,
Secretaries of the National Board of Education.

GOOD SERVICE ALLOWANCE GRANTED IN 1857.

On the re-establishment and reorganization of the Education Department in 1850, I took the entire charge of its details and working, which proved to be so satisfactory to the Government that, in 1857, the Reverend Doctor Ryerson received the following Letter from the Provincial Secretary of the Administration of which Sir John A. Macdonald was Premier:

"His Excellency the Governor-General has been pleased to direct that Mr. J. George Hodgins, the present Deputy Superintendent of Education, be allowed, from the first of July last, in addition to his salary of Five hundred pounds (£500), the sum of Fifty pounds (£50) per annum, in consideration of his long and labourious services connected with the establishment of a new Department" [of the Government], and as a "good service allowance."

ROYAL CHARTERS TO COLLEGES IN UPPER CANADA AMENDED BY THE CANADIAN PARLIAMENT, OR SUPERSEDED, AND A CANADIAN STATUTE SUPERSEDED BY A ROYAL CHARTER, 1827-1841.

Among the Public Questions in 1791, which Lieutenant-General John Graves Simcoe, (the first Lieutenant-Governor of Upper Canada), considered as most important for the growth and success of the newly constituted Province was that of Education. In regard to it he said:

Liberal Education seems to me to be indispensably necessary, and the completion of it by the establishment of a University in the Capital of the Country.

* During my daily visits to the Education Department in Dublin, I formed a most agreeable acquaintance with the Right Honourable Alexander Macdonell—a relative of Bishop Macdonell, of Kingston. That this feeling was reciprocated by Mr. Macdonell is shown by the following extract from Doctor Ryerson's Letter to me, dated, "Paris, August, 23rd, 1855," in which he said: "Chief Justice Robinson (with whom and Captain Lefroy we breakfasted in London,) told me that Mr. Macdonell, of the National Board in Dublin, mentioned you to him in very high terms." I also formed a pleasant friendship with Doctor Robert Sullivan, (Principal of the Dublin Normal School,) with the Professors and Masters, videlicet:—The Reverend Professor McGauley, Mr. John Rintoul and Mr. T. U. Young,—the latter a son-in-law of Wilderspin, and an active promoter of the system of that noted man. I also met many other distinguished men at the time,—the outside, or non-resident, Commissioners of Education, and others.—(*Legislation and History of Separate Schools in Upper Canada (1897), page 38. J. G. H.*)

It was this feeling which induced him, in 1797, to urge the Legislature of Upper Canada to petition the King

To appropriate a portion of the waste Lands of the Crown as a Fund for the support of a Classical Grammar School in each of the Municipal Districts of the Province, and also of a College, or University.

The reply to this Petition was that a Grant of Lands was made:

First, for the establishment of Free Grammar Schools. . . .

Secondly, in due course of time, for the establishment [not of a College, or University, as asked for, but] of other Seminaries of a larger and more comprehensive nature, for the promotion of Religion and Moral Learning and the Study of the Arts and Sciences.

This Education Scheme of Governor Simcoe was warmly entertained by public opinion and a tentative effort was made to give it effect by sending to Scot-

LIEUTENANT-GOVERNOR SIMCOE.

land for a duly qualified person to take charge of the proposed University. The result was that Mr. John Strachan was chosen. Practically, however, nothing further was done, and Mr. Strachan engaged in local tuition. But so strong became the feeling in favour of a University that the then Reverend Doctor Strachan, urged by Sir Peregrine Maitland, the Lieutenant-Governor, decided to go to England to obtain funds and to solicit from the King a Royal Charter for the proposed institution. In both of these important objects, Doctor Strachan was successful. On his arrival in England, and as a preliminary to his active efforts there, he issued the following interesting "Appeal" to the English Public —a few words in which I have slightly modified:

AN APPEAL TO THE FRIENDS OF RELIGION AND LITERATURE, IN BEHALF OF THE UNIVERSITY OF UPPER CANADA. BY JOHN STRACHAN, ARCHDEACON OF YORK, UPPER CANADA.

The present state of Education in the Province of Upper Canada consists of Common Schools throughout the different Townships, or Parishes, established under various Acts of the Colonial Legislature, which are placed on a most excellent footing and require no

other improvement than the means of multiplying their number, which will be no doubt granted, as the local Revenue becomes more productive.

In about three hundred and forty Common Schools established in the different Districts of Upper Canada from seven to eight thousand children are taught Reading and Writing, the elements of Arithmetic and the first principles of Religion; and, when it is considered that the parents commonly send their children in rotation, the younger in summer, when the roads are good, and the elder in winter, it is not much to say that nearly double this number, or from twelve to fourteen thousand children, profit annually by the Common Schools. The consequence is that the people, scattered, as they are, over a vast wilderness, are becoming alive to the great advantage of educating their children, and are seconding with laudable zeal the exertions of the Legislature; insomuch so that the Schools supported by subscription are more in number than those established by law.

Provision is made, by Statute, for the translation of some of the more promising scholars from the Common to the Municipal District Schools, where the Classics and practical Mathematics are taught. In these Schools, eleven in number, there are, at present, upwards of three hundred young men acquiring an education to qualify them for the different professions; and, although they can seldom support above one Master, several young gentlemen, who have been brought up in them, are now eminent in their professions, and would, by their talents and high principles, do credit to Seminaries of greater name.

But the time has arrived when the District Schools will become still more useful by confining them to the intention of their first establishment, namely, nurseries for a University, an institution now called for by the increased population and circumstances of the Colony and most earnestly desired by the more respectable inhabitants. There is not in either Province an English Seminary above the rank of a good School, at which a liberal education can be obtained. Thus the youth of three hundred thousand English Colonists have no opportunity of receiving instruction within the Canadas, in Law, Medicine, or Divinity.

The consequence is that many young men coming forward to enter the learned professions are obliged to look beyond the Province for the last two or three years of their education, undoubtedly the most important and critical period of their whole lives. Very few are able, on account of the great expense, to proceed to England, or Scotland, and the distance is so great and the difficulties so many that parental anxiety reluctantly trusts children so far from its observation and control. The youth are, therefore, in some degree, compelled to look towards the United States, where the means of education, although of a description inferior to those of Great Britain, are yet superior to anything within the Province, and a growing necessity is arising of sending them to finish their education in that Country. Now, in the United States a custom prevails unknown to, or unpractised, by any other Nation; in all other Countries morals and Religion are made the basis of Public Instruction, and the first Books put into the hands of children teach them the domestic, the social and Religious virtues; but, in the United States, politics generally pervade their system of education; the School Books, from the very first elements, are filled with praises of their own Institutions, and breathe hostility to everything English.

To such a Country our youth may go, strongly attached to their native land, and to all its establishments; but, by hearing them continually depreciated, and those of the United States praised, this attachment will, in many, be gradually weakened; and some may become fascinated with that liberty which has often degenerated into lawlessness, and imbibe, perhaps unconsciously, sentiments unfriendly to things of which Englishmen are proud.

It is, indeed, easy to perceive the danger of sending our most prominent youth to such a Country to finish their education, where they hear nothing in praise of their native land, and where everything bespeaks hostility and defiance, where her merits are accounted defects, and her virtues and glories soiled by the poison of calumny. Nor can

it be expected that any of them, on their return, will give up their hearts and affections to their Parent State with the same cordiality that they would have done, had they been carefully nurtured within the British Dominions. What, indeed, can be more important to the true prosperity of the Province, than the careful education in it of its youth? In what other way can we ever obtain a well-instructed population, by which to preserve our excellent Constitution and our connection with the British Empire, and give that respectable character to the Country, which arises from an intelligent Magistracy and from having public situations filled by men of ability and information.

What has been already done to effect this purpose is highly creditable to the Province; the two primary steps have been taken, and the third, which is the most important, is opposed by no serious impediments.

The establishment of a University at the seat of Government will complete a System of Education in Upper Canada from the letters of the Alphabet to the most profound investigations of Science,—a system which will be intimately connected in all its branches. Almost all of the Common Schools are so connected with the District Schools, that they may send up a certain number of Boys to be instructed gratis; and thus may the District Schools be connected with the University by means of Scholarships, which may be increased in number as the revenues of the University shall admit, either by the sale of Lands appropriated for its endowment, or by grants from the Provincial Legislature; and the University might, in time, become connected with Oxford and Cambridge, in England, by possessing some Exhibitions at each for the benefit of its more promising sons. In this manner the door to a liberal education would be opened to all of the inhabitants, and the children of the Farmer and Mechanic might be found deservedly filling the highest offices of the Colony, to which they had arisen by their superior talents, fostered by the benevolent Institutions of the Province, and Upper Canada might boast a plan of public instruction which might or would be equalled, but not surpassed, by any in the world.

The establishment of the proposed University, by collecting all the promising youth of the Colony into one place, would gradually give a new tone to public sentiments and feelings; and, should any portion of the people cherish a leaning towards our American neighbours, it would be removed or checked by means not in their nature violent, but, on the contrary, producing the most beneficial effects through the whole Province. It is, indeed, quite evident that the consequences of a University established even on a very moderate scale, but possessing sufficient recommendations to attract to it the sons of the most opulent families, would soon be visible in the greater intelligence and more confirmed principles of loyalty of those who would be called to the various public duties required in the Country. Nor is the number small that are thus called upon to fill the stations of Magistrates, Legislators, and the ranks of the different learned professions.

There are, it is believed, at present between forty and fifty young gentlemen in the Province studying the profession of the Law, a profession which must, in a Country like this, be the repository of the highest talents. Lawyers must, from the very nature of our political institutions, from there being no great land proprietors, no privileged orders, become the most powerful profession, and must, in time, possess more influence and authority than any other. They are emphatically our men of business, and will gradually engross all the Colonial offices of profit and honour. Is it not, therefore, of the utmost importance that they should be collected together at the University, become acquainted with each other, and familiar with similar views and modes of thinking, and be taught, from precept and example, to venerate and love our Parent State.

It is surely of great consequence that a class of intelligent men belonging to a profession which offers the highest inducements of reputation, wealth, influence, authority and power, should be attached by sentiment and feeling to the British Empire.

In regard to the profession of Medicine, now becoming of great importance in the Province, it is melancholy to think that three-fourths of the present practitioners have been educated, or attended lectures, in the United States, and it is to be presumed that many of them are inclined towards that Country. But, in Upper Canada, there is no

provision whatever for attaining medical knowledge, and those that make choice of that profession must go to a foreign country to acquire it.

There are only twenty-four Church of England Clergymen in Upper Canada, the greater number from England, the remainder natives. Now, unless we can get respectable Clergymen from England, it is essential that the young men coming forward to that Church should be educated entirely within the Province, but for this there is no sort of provision. It is true that the few Clergymen born in the Country have been hitherto educated by their elder brethren, and the result has been the most satisfactory, for, in some respects, they have the advantage over their brethren from England; that they are better acquainted with the people, and can address them with more effect, and, as they bring over to the Church their friends and relations, the power and influence of the Establishment are increased. But the wants of the Province are becoming great, and, however much disposed the older Clergy may be to bring forward young men to the sacred profession, they have neither leisure nor the means of doing it with proper effect. There can be nothing of that zeal, of that union and mutual attachment, of that deep Theological and Literary enquiry and anxiety to excel, which would be found among young men collected at the University.

Nothing can be more manifest than that Upper Canada has not yet felt the advantage of a Religious Establishment. What can twenty-four Clergymen do, scattered over a country of nearly six hundred miles in length? Can we be surprised that, under such circumstances, the religious benefits of a Church Establishment are unknown, and that sects of various descriptions have increased? And when it is farther considered that most of the religious Teachers of all other Protestant Denominations, a very few respectable Ministers of the Church of Scotland excepted, come from the Republican States of America, where they gather their knowledge; and, from their sentiments, it is evident that, if the Imperial Government does not step forward with efficient help, the mass of the population will be gradually nurtured and instructed in hostility to our Institutions, both civil and religious.

Were the young men, destined for these professions, or any other liberal pursuits, to have their minds formed at a University, they would compose a body continually increasing, which, in union, respectability and strength, would overmatch any tendency to disaffection that might appear, and gradually produce a tone and feeling through the Province, altogether British.

The noble Lord at the head of the Colonial Department, who has through life been the strenuous and upright friend of Religion, and the promoter of every measure that had a tendency to advance the true prosperity of the Colonies, having taken these circumstances into consideration, has not only commanded, in His Majesty's name, a Loyal Charter to issue, establishing a University in Upper Canada, which shall have and enjoy all such and the like privileges as are enjoyed by the Universities of the United Kingdom of Great Britain and Ireland, and has declared it to be the munificent intention of our Beloved Sovereign to grant a sum of money for the purpose of erecting the necessary Buildings, and to confer such an Endowment as shall, in a few years, place the Institution in full and active operation. His Majesty's Government having thus done all, and even more than could be expected, nothing would remain but patiently to wait until the Endowment yielded the means of commencing the business of instruction, were not the wants of the Province so urgent that the delay of five, or six, years, which must elapse before the University, under present circumstances, can be put in activity, may be attended with evil consequences, which may never be retrieved. Under this apprehension, I am induced to appeal to the friends of Religion that we may be enabled immediately to collect around us the youth of Canada, for the purpose of instruction. Already has the Venerable Society for the Propagation of the Gospel in Foreign Parts, sensible of the urgency of the case, granted Five hundred pounds (£500) toward purchasing a Library, and an equal, or greater, donation, is confidently expected from the sister Society for Promoting Christian Knowledge.

It is chiefly on Religious grounds that this Appeal for the University of Upper Canada is made, which, while it offers its benefits to the population, will, for a century to come, from the peculiar circumstances of the Country, be essentially a Missionary College, and the number of Clergymen which it will be called upon to furnish will be more than double what any other profession can require.

London, May, 1826. John Strachan, *Archdeacon of York, Upper Canada.*

THE ROYAL CHARTER OF THE UNIVERSITY OF KING'S COLLEGE, YORK, UPPER CANADA, 1827.

Copy of the King's College Charter of 1827, with Alterations, as Intimated in the Text, made by the Reverend Doctor Strachan.

George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth, to all these presents shall come.

Greeting:

Whereas the establishment of a College within Our Province of Upper Canada, in North America, for the education of youth in the Principles of the Christian Religion and for their instruction in the various branches of Science and Literature, which are taught in our Universities in this Kingdom, would greatly conduce to the welfare of Our said Province. And whereas humble application hath been made to Us by many of Our loving subjects in Our said Province, that We would be pleased to grant Our Royal Charter for the more perfect establishment of a College therein and for incorporating the Members thereof for the purposes aforesaid; Now Know Ye, that We, having taken the premises into our Royal Consideration, and duly weighing the great utility and importance of such an Institution, have, of Our special grace, certain knowledge, and mere motion, ordained and granted, and do by these Presents for Us Our Heirs and Successors, ordain and grant, that there shall be established at or near Our Town of York, in Our said Province of Upper Canada, from this time, one College, with the style and privileges of an University, as hereinafter directed, for the education and instruction of youth and students in Arts and Faculties, to continue forever, to be called King's College.

And We do hereby declare and grant that *Our trusty and well beloved, the Right Reverend Father in God, Charles James, Bishop of the Diocese of Quebec, or the Bishop for the time being of the said present Diocese of Quebec* [the foregoing words in italics were altered in Doctor Strachan's own handwriting to read as follows: "*The Court of King's Bench in and for the said Province*"], shall for Us and on Our behalf be Visitor of the said College; and that Our trusty and well-beloved Sir *Peregrine Maitland* [altered to "*John Colborne*"], Our Lieutenant-Governor of Our said Province, or the Governor, Lieutenant-Governor, or other persons administering the Government of Our said Province for the time being, shall be the Chancellor of Our said College.

And We do hereby declare, ordain, and grant that there shall, at all times, be one President of Our said College [added by Doctor Strachan: "*who shall be appointed by Us, Our heirs and successors*"] who shall be a Clergyman in Holy Orders of the United Church of England and Ireland; and that there shall be such and so many Professors in different Arts and Faculties within Our said College, as from time to time shall be deemed necessary, or expedient, and are, or shall be, appointed by Us, or by the Chancellor of Our said College, in Our behalf, and during Our pleasure.

And We do hereby grant and ordain that the Reverend John Strachan, Doctor in Divinity, Archdeacon of York, in Our said Province of Upper Canada, shall be the first President of Our said College, *and the Archdeacon of York, in Our said Province, for the*

time being, shall, by virtue of such his office, be at all times the President of the said College. [The words in italics were expunged by Doctor Strachan.]

And We do hereby, for Us, our Heirs and Successors, will, ordain, and grant that the said Chancellor and President, and the said Professors of Our said College, and all persons who shall be duly matriculated into and admitted as scholars of Our said College, and their Successors forever, shall be one distinct and separate body politic and corporate in deed and in name, by the name and style of "The Chancellor, President and Scholars of King's College at York, in the Province of Upper Canada;" and that by the same name they shall have perpetual succession and a Common Seal, and that they and their Successors shall, from time to time, have full power to alter, renew, or change, such Common Seal at their will and pleasure, and as shall be found convenient, and that, by the same name, they, the said Chancellors, President and Scholars, and their Successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain, and to and for the use of the said College, and Messuages, Lands, Tenements, and Hereditaments of what kind, nature, or quality soever, situate and being within Our said Province of Upper Canada, so as the same do not exceed in yearly value the sum of fifteen thousand Pounds sterling above all charges, and, moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess, and retain all or any goods, chattels, charitable or other contributions, gifts or benefactions whatsoever.

And We do hereby declare and grant that the said Chancellor, President and Scholars, and their Successors by the same name, shall and may be able and capable in law to sue and be sued, implead or be impleaded, answer, or be answered, in all or any Court, or Courts, of Record within Our United Kingdom of Great Britain and Ireland, and Our said Province of Upper Canada, and other Our Dominions, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, of what nature, or kind, soever, in as large, ample, and beneficial a manner and form, as any other body politic, or corporate, or any other Our liege Subjects, being able and capable in law, may, or can, sue, implead, or answer, or be sued, impleaded, or answered, in any manner whatsoever.

And We do hereby declare, ordain and grant that there shall be within Our said College, or Corporation, a Council to be called and known by the name of "The College Council," and We do will and ordain that the said Council shall consist of the Chancellor and President for the time being, and of seven of the Professors in Arts and Faculties of Our said College; and that such seven Professors shall be Members of the Established United Church of England and Ireland, and shall, *previously to their admission into the said College, severally sign and subscribe the Thirty-nine Articles of Religion, as declared and set forth in the Book of Common Prayer.* [The words in italics were expunged by Doctor Strachan.]

And, in case, at any time, there should not be within Our said College seven Professors of Arts and Faculties, being Members of the Established Church aforesaid, then Our will and pleasure is, and We do hereby grant and ordain that the said College Council shall be filled up to the requisite number of seven, exclusive of the Chancellor and President for the time being, by such persons being Graduates of Our said College, and being Members of the Established Church aforesaid, as shall, for that purpose, be appointed by the Chancellor for the time being of Our College, *and which Members of Council shall, in like manner, subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said College Council.* [The words in italics were expunged by Doctor Strachan.]

And whereas it is necessary to make provision for the completion and filling up of the said Council at the first institution of Our said College, and previously to the appointment of any Professors, or the conferring of any Degrees therein; now We do further ordain and declare that the Chancellor of Our said College for the time being shall, upon, or immediately after, the first institution thereof, by Warrant under his hand, nominate and appoint seven discreet and proper persons, resident within Our Province of Upper

Canada, to constitute jointly with him, the said Chancellor and the President of Our said College for the time being, the first, or original, Council of Our said College, *which first, or original, Members of the said Council shall, in like manner, respectively subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said Council.* [The words in italics were expunged by Doctor Strachan.]

And We do further grant and declare that the Members of the said College Council, holding within Our College the offices of Chancellor, President, or Professor in any Art, or Faculty, shall respectively hold their seats in the said Council, so long as they and each of them shall retain such their said offices, as aforesaid, and no longer, and that the Members of the said Council, not holding offices in Our said Council, shall from time to time vacate their seats in the said Council, when and so soon as there shall be an adequate number of Professors in Our said College being members of the Established Church aforesaid, to fill up the said Council to the requisite number before mentioned.

And we do hereby authorize and empower the Chancellor, for the time being, of Our said College, to decide in each case what particular Member of the said Council, not holding any such office as aforesaid, shall vacate his seat in the said Council, upon the admission of any new Member of Council holding any such office.

And We do hereby declare and grant that the Chancellor, for the time being, of Our said College, shall preside at all meetings of the said College Council which he may deem it proper, or convenient, to attend, and that, in his absence, the President of Our said College shall preside at all such meetings; and that, in the absence of the said President, the senior Member of the said Council present at such meeting shall preside thereat; and that the said seniority of the Members of the said Council, other than the Chancellor and President, shall be regulated according to the date of their respective appointments. Provided, always, that the Members of the said Council, being Professors in Our said College, shall, in the said Council, take precedence over and be considered as seniors to the Members thereof not being Professors in Our said College.

And We do ordain and declare that no meeting of the said Council shall be, or be held to be, a lawful meeting thereof, unless five Members, at the least, be present during the whole of every such meeting; and that all Questions and Resolutions proposed for the decision of the said College Council shall be determined by a majority of the votes of the Members of the Council present, including the vote of the presiding Member; and that, in the event of an equal division of such votes, the Member presiding at any such meeting shall give an additional, or casting, vote.

And We do further declare that, if any Member of the said Council shall die, or resign his seat in the said Council, or shall be suspended, or removed, from the same, or by reason of any mental, or bodily, infirmity, or by reason of his absence from the Province, become incapable, for three calendar months, or upwards, of attending the meetings of the said Council, then, and in every such case, a fit and proper person shall be appointed by the said Chancellor to act as, and be, a Member of the said Council in the place and stead of the Member so dying, or removing, or so suspended, or removed, or incapacitated, as aforesaid; and such new Member succeeding to any Member so suspended, or incapacitated, shall vacate such his office on the removal of any such suspension, or at the termination of any such incapacity, as aforesaid, of his immediate Predecessor in the said Council.

And We do further ordain and grant that it shall and may be competent to and for the Chancellor, for the time being, of Our said College, to suspend from his seat in the said Council, any Member thereof for any just and reasonable cause to the said Chancellor appearing. Provided, that the grounds of every such suspension shall be entered and recorded at length by the said Chancellor in the Books of the said Council and signed by him; and every person, so suspended, shall thereupon cease to be a Member of the said Council, unless, and until, he shall be restored to and re-established in, such his station therein by any order to be made in the premises by Us, or by the said Visitor of Our College, acting on Our behalf, and in pursuance of any special reference from Us.

And We do further declare that any Member of the said Council, who without sufficient cause to be allowed by the said Chancellor by an order entered for that purpose on the Books of the said Council shall absent himself from all the meetings thereof, which may be held within any six successive calendar months, shall, thereupon, vacate such his seat in the said Council.

And We do by these presents, for Us, our Heirs and Successors, will, ordain and grant that the said Council of Our said College shall have power and authority to frame and make Statutes, Rules and Ordinances, touching and concerning the good government of the said College, the performance of Divine Service therein, the Studies, Lectures, Exercises, Degrees in Arts and Faculties, and all matters regarding the same, the residence and duties of the President of Our said College, the number, residence and duties of the Professors thereof, the management of the Revenues and Property of Our said College, the salaries, stipends, provision and emoluments of, and for, the President, Professors, Scholars, Officers and Servants thereof, the number and duties of such Officers and Servants, and also touching and concerning any other matter, or thing, which to them shall seem good, fit and useful, for the well being and advancement of Our said College and all agreeable to this Our Charter; and also from time to time, by any new Statutes, Rules, or Ordinances, to revoke, renew, augment, or alter, every, or any of the said Statutes, Rules and Ordinances as to them shall seem meet and expedient. Provided always, that the said Statutes, Rules and Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of Our said Province of Upper Canada, or to this Charter. Provided, also, that the said Statutes, Rules and Ordinances shall be subject to the approbation of the said Visitor of Our said College *for the time being.* And shall be forthwith transmitted to the said Visitor for that purpose; and that, in case the said Visitor shall for Us, and Our behalf, in writing, signify *his* [their] disapprobation thereof, within two years of the time of their being so made and framed, the same, or such part thereof as shall be so disapproved of by the said Visitor, shall, from the time of such disapprobation being made known to the said Chancellor of our said College, be utterly void and of no effect, but otherwise shall be and remain in full force and virtue. [The words in italics were struck out by Doctor Strachan, and "their" substituted for "*his.*"]

Provided, nevertheless, and We do hereby expressly save and reserve to Us, Our Heirs and Successors, the power of conferring, confirming, or reversing, by any Order, or Orders to be by Us, or them, made in Our or their Privy Council, all, or any, of the Decisions, Sentences, or Orders, so to be made, as aforesaid, by the said Visitor, for Us and in Our behalf, in reference to the said Statutes, Rules and Ordinances, or any of them.

And We do further ordain and declare that no Statute, Rule, or Ordinance, shall be framed, or made, by the said College Council touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Chancellor, for the time being, of Our said College.

And We do require and enjoin the said Chancellor thereof to consult with the President of Our said College, and the next senior Member of the said College Council, respecting all Statutes, Rules and Ordinances, to be proposed by him to the said Council for their consideration.

And We do hereby, for Us, Our Heirs and Successors, charge and command that the Statutes, Rules and Ordinances, aforesaid, subject to the same provisions, shall be strictly and inviolably observed, kept and performed, from time to time, in full vigour and effect, under the penalties to be thereby, or therein, imposed, or contained.

And We do further will, ordain and grant, that the said College shall be deemed and taken to be an University, and shall have and enjoy all such and the like privileges as are enjoyed by Our Universities of Our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had, or enjoyed, by virtue of these Our Letters Patent. And that the Students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master and Doctor, in the several Arts and Faculties, at the

appointed times; and shall have liberty, within themselves, of performing all scholastic exercises for the conferring of such Degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said College.

And We do further will, ordain and appoint that no Religious test, or qualifications, shall be required of, or appointed for, any persons admitted, or matriculated as scholars within Our said College, or of persons admitted to any Degree in any Art, or Faculty, therein, save only, that all persons admitted within Our said College to any Degree in Divinity, *shall make such and the same declarations and subscriptions, and take such and the same Oaths, as are required of persons admitted to any Degree of Divinity in Our University of Oxford.* [The words in italic were altered by Doctor Strachan so as to read as follows: "respecting whom such Regulations may be made as the College Council shall deem fit."]

And We do further will, direct and ordain, that the Chancellor, President and Professors of Our said College, and all persons admitted therein to the Degree of Master of Arts, or to any Degree in Divinity, Law, or Medicine, and who, from the time of such their admission to such Degree, shall pay the annual sum of twenty shillings, sterling money, for, and towards the support and maintenance of said College, shall be and be deemed, taken and reputed to be, Members of the Convocation of the said University; and, as such Members of the said Convocation, shall have, exercise and enjoy all such and the like privileges as are enjoyed by the Members of the Convocation of Our University of Oxford, so far as the same are capable of being had and enjoyed, by virtue of these Our Letters Patent, and consistently with the privileges thereof.

And We will, and by these presents for Us, Our Heirs and Successors, do grant and declare that these Our Letters Patent, or the emolument, or exemplification thereof, shall and may be good, firm, valid, sufficient and effectual in the law, according to the true intent and meaning of the same; and shall be taken, construed and adjudged in the most favourable and beneficial sense, for the best advantage of the said Chancellor, President and Scholars of Our said College, as well as in Our Courts of Record, as elsewhere and by all and singular Judges, Justices, Officers, Ministers, and other Subjects whatsoever of Us, Our Heirs and Successors, any mis-recital, non-recital, omission, imperfection, defect, matter, cause, or thing, whatsoever to the contrary thereof, in anywise notwithstanding.

In witness whereof, We have cause these Our Letters to be made Patent.

Witness Ourself at Westminster, the fifteenth day of March, in the eighth year of Our Reign (1827).

By Writ of Privy Seal, BATHURST.

The terms of this Charter having been generally considered as very objectionable, on account of its purely Church of England character, the matter was brought up in the House of Assembly in 1829, and among the Resolutions on the subject adopted by that House were the following:

"*Resolved*, That the Thanks of this House are due to His Majesty for his gracious intentions in . . . [chartering] and endowing an University for this Province.

"*Resolved*, That much erroneous information has been communicated to His Majesty's Government upon that subject, under which misinformation this House apprehends the Charter was granted with provisions not suited to the condition and wishes of the people for whose benefit it was intended."

These Resolutions having been communicated to the Colonial Secretary it was stated by Sir George Murray, Colonial Secretary, in a Speech of his in 1831, that he had suspended the Charter and the Grant to the King's College in that year.

This latter Resolution of the House of Assembly furnished the key-note of all further agitation and complaint on this subject. The objection to the purely

denominational character of the Charter gathered strength as time went on, and at each Session of the House of Assembly strong expressions of opinion against the Charter were expressed by most of the Members.

In an Address delivered by Bishop Strachan in 1843 he said:

No further proceedings appear to have been had regarding the University, until the Sessions of 1831 and 1832, when another Address to the King of like character was adopted, bearing date the 28th of December, 1831; praying that the Charter of King's College might be cancelled, on account of its exclusiveness, and another granted, more open in its provisions. On the 4th of January, 1832, his Excellency replied:

That he has reason to believe that, either the exclusive privileges considered exceptionable in the Charter of King's College have been cancelled, or that such arrangements have been decided upon by His Majesty's Government as will render further application on this subject unnecessary; but that a Charter solemnly given, cannot be revoked, or its surrender obtained, without much delay.

This language evidently alluded to a Despatch from Lord Goderich, (now Lord Ripon.) of the 2nd of November, 1831, which was afterwards laid before the College Council, proposing to the Members of the Corporation to surrender the Charter granted by the Imperial Government, together with the endowment, on the assurance from the Secretary of State for the Colonies that no part of the endowment should ever be diverted from the education of youth.

In an able Report, the College Council stated their reasons for refusing compliance with this extraordinary request, and that they did not think it right to concur in surrendering the Charter of King's College, or its endowment. The College Council further observed, that they did not feel, or profess to feel, a sufficient assurance, that, after they had consented to destroy a College founded by their Sovereign, under as unrestricted and open a Charter as had ever passed the Great Seal of England, for a similar purpose, the different branches of the Legislature would be able to concur in establishing another that would equally secure to the inhabitants of the Colony, through successive generations, the possession of a seat of learning, in which sound religious instruction should be dispensed, and at which care should be taken to guard against those occasions of instability, dissension and confusion, the foresight of which had led, in our present state, to the making an uniformity of religion in each University throughout the Empire an indispensable feature of its constitution.

(At length in 1837 the subject of modifying the Charter of King's College came up as a practical question and a Draft of Bill for that purpose was submitted to the House of Assembly. The modifications proposed were not willingly accepted by the College Council, but, as Bishop Strachan said:

(The College Council . . . for the sake of peace . . . were disposed to concur in some such modifications as have been . . . proposed: not that they considered them improvements, but because the Government seemed to give them countenance. . . .)

In 1832, a Committee of the House of Assembly was appointed to consider what changes were desirable to be made in the terms of the Charter, so as to render it acceptable to the Province, and to all parties concerned.

The Committee in their Report stated:

That, after mature deliberation, they have come to the determination to recommend the same changes in the Charter to the adoption of Your Honourable House as were made in 1829, with such slight variations as are requisite to secure certain great and permanent advantages to the Province.

Accompanying this Report of the Committee was the following Draft of a

Revised University Charter Bill, 1832.

Whereas His late Majesty, King George the Fourth, was graciously pleased to issue His Letters Patent, bearing date at Westminster, the Fifteenth day of March, in the Eighth year of His Reign, in the words following:—

And whereas certain alterations appear necessary to be made in the same, in order to meet the desire and circumstances of the Colony, and that the said Charter may produce the benefits intended:

Be it therefore enacted: That for and notwithstanding anything in the said Charter contained, after the said University shall have been organized, upon any future appointment of the office of Governor, Lieutenant-Governor, or Person Administering the Government of the Province, such Governor, Lieutenant-Governor, or Person Administering the Government, shall not be *ex-officio* Chancellor of the said University, but such Persons shall be Chancellor thereof as the Convocation of the said University shall elect, and that the Judges of His Majesty's Court of King's Bench shall for and on behalf of the King be Visitors of the said College, in the place and stead of the Lord Bishop of the Diocese of Quebec, for the time being; and that the President of the said University, on any future vacancy, shall be appointed by His Majesty, His Heirs and Successors, without requiring that he shall be the incumbent of any ecclesiastical office; and that the Members of the College Council, including the Chancellor and President, shall be twelve in number, of whom the Speaker of the two Houses of the Legislature of the Province and His Majesty's Attorney and Solicitor-Generals for the time being, shall be four, and the remainder shall consist of the six senior Professors of Arts and Faculties of the said College; and, in case there shall not at any time be six Professors, as aforesaid, in the said College, and until Professors shall be appointed therein, the Council shall be filled with Members to be appointed, as in the said Charter provided, except that it shall not be necessary, that any Member of the College Council to be so appointed, or that any Member of the said College Council, or any Professor, to be at any time appointed, shall be a Member of the Church of England, or subscribe to any Articles of Religion: and further, that no Religious test, or qualification, be required, or appointed, for any Person admitted, or matriculated, as Scholars within said College, or of Persons admitted to any Degree or Faculty therein.

During 1833 and 1834 nothing further was done in the Legislature in regard to the modification of the Charter of King's College. In 1835, however, a Bill to that effect was brought in from a Select Committee of the House of Assembly. The following is a copy of this Bill:

Bill to Amend the Charter of King's College, 1835.

Whereas His late Majesty, King George the Fourth, was graciously pleased, by Letters Patent, at Westminster, on the Fifteenth day of March, 1827, in the Eighth Year of His Reign, to establish at or near the Town of York, now the City of Toronto, a College, with the style and privileges of an University, for the education and instruction of youth, and students in Arts and Faculties, to be called "King's College."

And whereas His present Majesty, King William the Fourth, has been graciously pleased to signify, through His Majesty's Principal Secretary of State for the Colonies, Earl Ripon, by his Despatch of the eighth of November, 1832, communicated to the Legislature by His Excellency, by Message, that, so far from any anxiety having been felt by His Majesty's Government to maintain the said Charter against the wishes of the great

majority of the people, every possible measure has been taken to refer to their Representatives the decision of the question in what form, and upon what principles, the said College should be founded.

Be it therefore enacted, That from, and after, the passing of this Act, the said University shall be upon the principle, and in the form hereinafter provided, anything in the said Charter to the contrary notwithstanding:

Provided always, That the said Charter shall be and continue in full force, except so far as it is altered and varied by the provisions of this Act.

2. *And be it enacted*, That from, and after, the passing of this Act, it shall not be necessary for the President of the said University to be a Clergyman in Holy Orders of the United Church of England and Ireland, anything in the said Charter to the contrary notwithstanding.

3. *And be it enacted*, That from, and after, the passing of this Act, the Archdeacon of York, now the City of Toronto, for the time being, shall not, by virtue of his office of Archdeacon, be at all times President of the said University, anything in the said Charter to the contrary notwithstanding.

4. *And be it enacted*, That from, and after, the passing of this Act, the Professors of the said College and the Council thereof shall not be required to be Members of the said Established United Church, or to subscribe the Thirty-nine Articles thereof, anything in the Charter to the contrary notwithstanding.

5. *And be it enacted*, That there be, at all times, as many Professors, Tutors, and Lecturers in the different Arts and Faculties in the said College as, from time to time, shall be deemed necessary, or expedient, and as shall be appointed in the manner hereinafter provided, and in no other manner, anything in the said Charter to the contrary notwithstanding.

6. *And be it enacted*, That there shall be within the said College, in the place and stead of the Council in the said Charter mentioned, a Council to be called and known by the name of the "Council of King's College," which Council shall consist of twelve Persons,—one-half of the number of which Persons shall be nominated by the Legislative Council, and the other half by the House of Assembly; which Persons, so nominated, shall be certified by the respective Houses to the Governor, Lieutenant-Governor, or Person administering the Government, for the time being, and shall hold their offices for four years from the day of such nomination, and thence until the next Session of the Provincial Parliament, and no longer.

7. *And be it enacted*, That, if any Member of the said Council shall die, or shall be suspended, or removed from his said office, or shall, by reason of any bodily, or mental, infirmity, or by reason of his absence from the said Province, become incapable for six calendar months, or upwards, of attending the meeting of the said Council, then, and in every such case, a fit and proper Person shall be appointed by the rest of the said Council to act, and be, as a Member of the said Council, in the place and stead of the Member so dying, or so suspended, or removed, or incapacitated, as aforesaid, and the appointment of such new Member of the said Council shall be communicated to the Provincial Legislature through the Governor, Lieutenant-Governor, or Person administering the Government for the time being, at their next Session, and it shall and may be lawful for that Branch of the Legislature, by which the Person so dying, or suspended, or removed, or incapacitated, as aforesaid, was appointed, either to confirm the said temporary appointment made by the said Council, as aforesaid, or to appoint another, as such Branch of the Legislature shall think fit.

8. *And be it enacted*, That no Meeting of the Council shall be taken, or held, to be a lawful Meeting thereof, nor any question be taken except to adjourn, unless nine Members, at the least, be present, and that all questions and Resolutions proposed for the decision of such College Council, shall be determined by the majority of the Members of the Council present, including the vote of the presiding Member, and that, in the event of an equal division of such votes the Member presiding at any such Meeting shall give an additional, or casting, vote.

9. *And be it enacted*, That any Member of the said Council may, at any time, be suspended or removed by a joint resolution of the two Branches of the Provincial Legislature.

10. *And be it enacted*, That it shall and may be lawful for the said Council of the said College, from time to time, to nominate and elect so many Professors, Tutors and Lecturers in the several Arts, Sciences, and matters of learning, as shall to them seem fit and necessary, for the system of Education in the said College.

11. *And be it enacted*, That the President, Professors, Tutors, Lecturers, Graduates, Undergraduates, Scholars, Officers and Servants of the said College, and every person holding any situation of honour, or trust, in the same, shall be subject to all and every of the Rules and Ordinances of the said College made and provided according to this Act.

12. *And be it enacted*, That the said Council of said College shall have power and authority to propose, frame and make Rules and Ordinances touching and concerning the peace, welfare and good government of the said College, the Studies, Lectures, Exercises, and Degrees in Arts and Faculties, and all matters relating to the same; the duties of the President of the said College; the number, remuneration and duties of the Professors, Tutors and Lecturers thereof; the management of the Revenues and Property of the said College; the Salaries, Stipends, Provision and Emoluments of and for the President, Professors, Tutors, Lecturers, Scholars, Officers and Servants thereof; the number and duties of such Officers and Servants; and also touching and concerning any other matter, or thing, which to them shall seem good, fit and useful for the well-being and advancement of the said College; and also, from time to time, by any new Rules or Ordinances, to revoke, renew, augment, or alter, all, every, or any of the said Rules and Ordinances as to them shall seem meet and expedient; *Provided always*, That the said Rules and Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the said Province of Upper Canada, or to this Act; *Provided also*, That the said Rules and Ordinances shall be subject to the approbation of the Chancellor of the said College for the time being, and shall be forthwith transmitted to the said Chancellor for that purpose, anything in the said Charter to the contrary notwithstanding.

13. *And be it enacted*, That no Religious Tests, or qualification, whatever shall be required of, or appointed for, any Persons admitted, or matriculated, as Scholars within the said College, or of Persons admitted to any Degree in any Art, or Faculty, therein, whether such Degree be conferred in Law, Physic, or other Art, or Science; anything in the said Charter to the contrary notwithstanding.

14. *And be it enacted*, That the Members of the said Council, and their Successors forever, shall be one distinct and separate Body Politic and Corporate, in deed and in name, by the name and style of "King's College," and that, by the same name, they shall have perpetual succession and a Common Seal; and that they and their Successors shall, from time to time, have full power to alter, renew, or change such Common Seal at their will and pleasure, as shall be found convenient; and that, by the same name, they, the said Council, and their Successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain to, and for, the use of the said College, any Messuages, Lands, Tenements and Hereditaments of whatever kind, nature, or quality soever, situate and being within the said Province of Upper Canada, and, moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess and retain all or any Goods, Chattels, Charities or other Contributions, Gifts, or Benefactions whatsoever; and that the said Council and their Successors, by the same name, shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered, in all, or any Court, or Courts, of Record within the said Province of Upper Canada in all and singular actions, causes, pleas, suits, matters and demands whatsoever, of what nature, or kind, soever, in as large, ample and beneficial a manner and form as any other Body Politic, or Corporate, or any other Persons able and capable in law may or can sue, implead, or answer, or be sued, impleaded or answered in any manner whatsoever; anything in the said Charter to the contrary notwithstanding.

15. *And be it enacted*, That all Moneys received by the said Corporation from the sale of any Goods, or Lands, or for Grants from the Crown, or Legislature, or Contributions, Gifts, or Benefactions whatsoever, shall be invested by the said Council so as to produce an Annual Income arising therefrom; and no more shall be expended by the said Council in furtherance of the objects of the said Corporation; and *Provided always*, That whenever the Annual Income aforesaid, together with such sum, or sums, as may accrue from the leasing of any of the Lands with which the College has been, or may be, endowed, shall exceed six thousand pounds, (£6,000,) over and above Scholarships, the surplus, over and above the said sum of six thousand pounds, (£6,000,) shall be paid into the hands of His Majesty's Receiver-General of this Province, to be at the disposal of the Legislature for the promotion of Education, by the erecting and endowing of Free Grammar Schools in the several Districts in this Province.

16. *And be it enacted*, That it shall and may be lawful for the Council of the said University to suspend from his office the President, or any of the Professors, Tutors, or Lecturers, or any Member of the said Council, who shall be incapacitated by bodily infirmity, or for any other just and reasonable cause to the said Council appearing; *Provided always*, That the grounds of every such suspension shall be recorded in writing and verified on oath of two or more credible and disinterested Witnesses, and shall be entered and recorded at length on the Journals of the said Council, and be signed by the Chancellor, or President, of the said Council.

17. *And be it enacted*, That every Person so suspended shall thereupon cease to be a Member of such Council, or President of the said University, or a Professor, Tutor, or Lecturer within the same, as the case may be, unless and until he shall be restored to, and re-established in such, his station therein, by any order to be made in the premises by that branch of the Legislature by which such Member was appointed.

18. *And be it enacted*, That it shall and may be lawful for the Council of the said College, from time to time, to establish Scholarships in the said College for the benefit of the Pupils of the District (Grammar) Schools in this Province; *Provided always*, That the amount of each Scholarship shall not exceed the annual value of fifty pounds, (£50,) per annum.

19. *And be it enacted*, That it shall and may be lawful for the said College Council, and all Persons whatsoever attached to the said College, and they are hereby required, at all times, without reserve, to lay before the several branches of the Legislature of this Province whatever information shall be by them, or either of them, from time to time, required, relating in any way whatever to the said College and the concerns thereof.

20. *And be it enacted*, That whenever any Rule, or Rules, Ordinance, or Ordinances, shall be passed by the said Council, as aforesaid, containing any provisions which shall in any manner relate to, or affect the enjoyment, or exercise, by the Professors, Tutors, Lecturers, Scholars, Graduates, Undergraduates, Students, Servants, or others whomsoever connected with the said College, or any Religious form, or mode of worship, or in any way whatever prevent, or restrain, them, or any of them, from attending on the Sabbath whatever place of Religious Worship they choose, or shall impose or create any penalties, burthens, disabilities, or disqualifications, or confer any peculiar or exclusive favours or privileges in respect of the same, or shall, in any manner, relate to or affect the observance of any Rules or Discipline appertaining to any Church, or Society of Christians, to which any of the Persons aforesaid may belong; every such Rule, or Rules, Ordinance, or Ordinances, shall not have any force, or effect, whatever until the same shall have been laid before the three Branches of the Provincial Legislature, and shall, after having been so laid before them, and each of them, for the space of ten days, receive the sanction thereof.

21. *And be it enacted*, That it shall and may be lawful for the said Council, and they are hereby required to meet in the said College at Toronto, and for the periods following, namely, commencing eight days previous to the meeting of the Legislature in each and every year, and ending on the eighth day following the said meeting of the Legislature; at which stated time, and at no other, it shall and may be lawful for the said Council to

do, perform, and execute, all the duties and trusts imposed by this Act, or by any Rule, or Ordinance, of the said College, made under, and by virtue of, this Act.

22. *And be it enacted*, That it shall and may be lawful for each of the Members of the said Council, while in the active discharge of his said duties, at the periods aforesaid, to have and receive from and out of the funds of the said College, the sum of ten shillings lawful money of Upper Canada, and no more, for every day's actual attendance, during the said weeks, and the like sum for every twenty miles in travelling to the said College and returning therefrom to his place of residence.

23. *And be it enacted*, That it shall and may be lawful for any Member of the said Council to tender his resignation during any Session of the Provincial Legislature, to that Branch thereof by which he was nominated and appointed, and, upon the acceptance of such resignation, such Person shall cease to be a Member of such Council; and it shall, thereupon, be lawful for the said Branch of the Provincial Legislature, accepting such resignation, forthwith to nominate and appoint another Person to be a Member of the said Council, in the place and stead of the Person so resigning, as aforesaid.

24. *And be it enacted*, That, if any Professor, Tutor, Lecturer, or other Person elected by the said Council, to any Professorship, Tutorship, Lectureship, or other station in the said College, shall die in the interval between the annual meetings of the said Council, it shall and may be lawful for the various Professors, Tutors and Lecturers who have been elected by the said Council, to appoint a fit and proper Person to discharge the duties of the said Professor, Tutor, or Lecturer, so deceased, until the next meeting of the said Council, and no longer.

25. *And be it enacted*, That it shall and may be lawful for the said Council, at their appointed meetings, and they are hereby required to keep at each such Meeting, a journal of their proceedings, specifying the day and hour of assembling, the names of Members of the Council in attendance, the Resolutions and Matters proposed, with the names of the Members voting for, and against, each Resolution and Matter, whether the same be rejected, or adopted, by the said Council, which record, or journal, of the said proceedings of the said Council shall, at all reasonable times, be open at the said College, to inspection of the Visitor, Chancellor, and other Members of the said College, and shall be laid before the several Branches of the Provincial Legislature whenever by them, or either of them, it is required so to be done.

26. *And be it enacted*, That no Religious Test, or Qualification, whatever, shall be required of any Chancellor, President, Professor, Tutor, Lecturer, Scholar, or other Person, being a Candidate for any situation, or honour, in the said College; nor shall the eligibility of any Person to any of the aforesaid stations in the said College, or to any other station that may hereafter be created, be in any way, or degree, dependent upon, or regulated, affected or prejudiced, by the particular faith of any such Candidate; anything in the said Charter to the contrary notwithstanding.

27. *And be it enacted*, That from and after the passing of this Act, there shall not, at any time, be, or be allowed to be within the said College, any public Professor, Lecturer, or Teacher, of doctrinal divinity, according to the articles of faith professed by the United Church of England and Ireland, or according to the creed, or faith, of any other Christian, or other Religious Church whatever, anything in the said Charter to the contrary, in any wise, notwithstanding; and it shall not be lawful for the said Council to apply any of the Funds now, or at any time hereafter, belonging to the said University, to the support of any public Professor, Lecturer, or Teacher, of such Divinity; *Provided always*, That nothing in this Act shall extend, or be construed to extend, to prevent the Students and Members of the said University, by themselves, or their Parents, Guardians, or Friends, from engaging private Tutors for their private instruction in Divinity, or in other Art, or Science, within the said College.

28. *And be it enacted*, That it shall and may be lawful for any Member of the said Council to administer any Oath required by this Act, and any person convicted before any Court of competent jurisdiction in this Province, of wilful and corrupt false swearing, under any Oath administered as aforesaid, shall be deemed and taken to be guilty of

perjury, and shall be liable to the like punishment as can be inflicted by the laws of this Province for perjury.

29. *And be it enacted*, That, upon a vacancy occurring in the office of the President of the said College by the death, or resignation of the present President thereof, the said situation shall be filled, in all times to come, by the Council of the said College, anything in the Charter of the said College to the contrary thereof, in any wise, notwithstanding.

30. *And be it enacted*, That the Visitor of said College shall be appointed by the Council thereof; anything in the said Charter to the contrary notwithstanding.

[NOTE.—This Bill passed the Commons House of Assembly on the 2nd day of April, 1835.]

NOTE.—Nothing further was done in this matter, except to discuss the desirability of modifying the terms of the Charter, until 1837, when the following Act to accomplish this object was passed by both Houses of the Legislature, and assented to by the Lieutenant-Governor on the 4th of March, 1837.

The following is a copy of this Act as assented to:

7 WILLIAM IV., CHAPTER XVI.

AN ACT TO AMEND THE CHARTER OF THE UNIVERSITY OF KING'S COLLEGE.

Sir Francis Bond Head, Lieutenant-Governor.

Passed 4th March, 1837.

Preamble. (See also 2nd Vict., ch. 10; also 3rd and 4th Vict., ch. 19, sects. 3 and 8.)

Whereas His late Majesty King George the Fourth was graciously pleased to issue His Letters Patent, bearing date at Westminster the fifteenth day of March, in the eighth year of His Reign (1827), in the words following, that is to say:

Charter of 1827 Recited.

[Here follows the Charter. See pages 221-225 of the first Volume of Documentary History.]

Alterations necessary.

And whereas certain alterations appear necessary to be made in the same, in order to meet the desire and circumstances of the Colony, and that the said Charter may produce the benefits intended: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled: "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled: 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same. That for and notwithstanding any thing in the said Charter contained, the Judges of His Majesty's Court of King's Bench shall, for and on behalf of the King, be Visitors of the said College in the place and stead of the Lord Bishop of the Diocese of Quebec, for the time being; and that the President of the said University, on any future vacancy, shall be appointed by His Majesty, His Heirs and Successors, without requiring that he should be the Incumbent of any Ecclesiastical office; and that the Members of the College Council, including the Chancellor and President, shall be twelve in number, of whom the Speakers

Judges of King's Bench shall be Visitors of the said College.

President, on any future vacancy, need not be the Incumbent of any

of the two Houses of the Legislature of the Province, and His Majesty's Attorney and Solicitor-General, for the time being, shall be four, and the remainder shall consist of the five senior Professors of Arts and Faculties of the said College, and of the Principal of the Minor, or Upper Canada, College; and in case there shall not at any time be five Professors, as aforesaid, in the said College, and until Professors shall be appointed therein, the Council shall be filled with Members to be appointed as in the said Charter is provided, except that it shall not be necessary that any Member of the College Council, to be so appointed, or that any Member of the said College Council, or any Professor, to be at any time appointed, shall be a Member of the Church of England, or subscribe to any Articles of Religion other than a declaration that they believe in the authenticity and Divine Inspiration of the Old and New Testament, and in the doctrine of the Trinity; and further, that no Religious Test or Qualification be required, or appointed for any Person admitted, or matriculated as Scholars within the said College, or of Persons admitted to any Degree, or Faculty therein.

Ecclesiastical office; College Council to consist of twelve members.

No member of the College Council, or Professor of the University need be a member of the Church of England.

No religious test required of Students.

2. And whereas it is expedient that the Minor, or Upper Canada, College, lately erected in the City of Toronto, should be incorporated with and form an appendage of the University of King's College; Be it, therefore, enacted by the authority aforesaid, That the said Minor, or Upper Canada, College shall be incorporated with and form an appendage of the University of King's College, and be subject to its jurisdiction and control.

Upper Canada College incorporated with the University of King's College.

3. And be it further enacted by the authority aforesaid, That the Principal of the said Minor, or Upper Canada, College shall be appointed by the King during His Majesty's pleasure.

Principal of U. C. College to be appointed by the King.

4. And be it further enacted by the authority aforesaid, That the Vice-Principal and Tutors of the said Minor, or Upper Canada, College shall be nominated by the Chancellor of the University of King's College, subject to the approval, or disapproval, of the Council thereof.

Vice-Principal and Tutors to be nominated by the Chancellor, subject to approval by King College Council.

5. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Chancellor of the said University, for the time being, to suspend, or remove, either the Vice-Principal, or Tutors, of the said Minor, or Upper Canada, College: Provided, that such suspension, or removal, be recommended by the Council of the said University, and the grounds of such suspension, or removal, recorded at length in the Books of the said Council.

Chancellor may remove Vice-Principal and Tutors on recommendation of King's College Council.

RIGHT OF A COLONIAL LEGISLATURE TO ALTER, OR OTHERWISE AMEND, A ROYAL CHARTER.

The Royal Charter of King's College obtained by the Reverend Doctor Strachan while in England in 1827 was considered to be very objectionable as it constituted the proposed College a purely Church of England institution. Various efforts were made in the Legislature to alter the terms of the Charter and to make King's College a Provincial Institution, with the title of the University of Upper Canada, or of the University of Toronto. Finally, a Bill to modify the terms of the Charter was agreed to by both houses of the Legislature but to the right of our Legislature to do so objection was taken by several public men and by Members in both Houses. To set the matter at rest I referred the abstract question to

several gentlemen who were noted for their familiarity with constitutional law. The replies received by me on this subject are as follows:

Doctor J. G. Bourinot, C.M.G., Clerk of Parliament at Ottawa, says:

My opinion is that the Dominion, or Provinces, can amend, or obliterate, even a Royal Charter, when the subject matter is clearly within the legislative jurisdiction of either. The Crown in Parliament has full power in such cases.

Mr. Christopher Robinson, Q.C., says:

My impression is in favour of the power [of the Legislature]. . . . Some curious questions have arisen as to the power of Colonial Legislatures, of which one example is: Tully *v.* Officers of Ordnance, in 5 Upper Canada Queen's Bench Reports, page 6; but, as in that case, they are generally suggested, but not decided.†

Mr. A. H. F. Lefroy, Author of "The Law of Legislative Power in Canada," writes at some length, and has been good enough to send to me extracts from his forthcoming work. From what he has furnished to me, I insert the following:

I think that there is no doubt of the existence of the power in question [*i.e.*, that of the Legislature]. . . . The following are some of the propositions discussed in my Book:

Proposition 7: The Lieutenant-Governors of Provinces, when appointed, are as much the Representatives of Her Majesty, for all purposes of Provincial Government, as the Governor-General himself is, for all purposes of Dominion Government.

Proposition 8: Executive Power is derived from Legislative Power, unless there is some restraining enactment.

Proposition 9: The Crown is a party to, and is bound by both Dominion and Provincial Statutes, so far as such Statutes are *intra vires*, that is, relate to matters placed within the Dominion and Provincial control respectively, by the British North America Act.

I have only made such extracts from Mr. Lefroy's interesting and comprehensive Book as seemed to me to definitely touch the point, as to the power of a Colonial Legislature to alter, or amend, a Royal Charter issued by the Sovereign, by right of his Royal Prerogative. The first extract which I make, is from a judgment of Chancellor Boyd, who lays down this general principle:

It is a well settled principle of public law that, after a Colony has received Legislative Institutions, the Crown, (subject to the special provisions of any Act of Parliament,) stands in the same relation to that Colony as it does to the United Kingdom.

The further extracts which I make from Mr. Lefroy's Work are as follows:

In the case of the Queen *v.* Edulgee Byramjee, their lordships [of the Privy Council] refer to Cuvillier *v.* Aylwin, and say of it:—It was held that, though there was a reservation of the right of the Crown, yet, as the Act in Canada was made, in pursuance of an Act of Parliament of Great Britain, the powers contained in that Act did take away the prerogative of the Crown.

Thus it would seem that, in their Lordships' view, a Colonial Act, assented to by the Crown, through its authorized Representative, could interfere with, and regulate,

† In his Note, Mr. Robinson says that before replying he wished to see his "Nephew, Mr. Lefroy, who has given much attention to Constitutional questions, and has now a Work in press upon the subject. He has kindly sent me the pages bearing on this question, with a Note, which I enclose."

the exercise of the prerogatives of the Crown, as the fountain of justice, so far as the rights of those under its jurisdiction were concerned. If so, there must be a similar power as to other Royal prerogatives of the same character, subject, of course, to the Crown's right of veto. And certainly, it would seem that there is such power, if Gwynne, J., is correct in what he says in Lenoir *v.* Ritchie, videlicet:—

An Act of Parliament passed by the old Legislatures of the respective Provinces, which now constitute the federated Provinces of the Dominion of Canada, under the Constitutions which they had before Confederation, of which Legislatures Her Majesty was an integral part, as she is of the Imperial Parliament, upon being assented to by the Crown, was competent to divest Her Majesty of the right to exercise, within the Province, any portion of her Royal Prerogative.‡ (Pages 183, 184.)

In a note, on page 182 of his Work, Mr. Lefroy says:

. . . Attorney-General *v.* Judah, 7 L. N., 147, (1884), . . . appears to recognize that the local Legislature could, by express enactment, affect even the "rights, or prerogatives, of the Crown, as attributes of sovereignty."

Mr. Thomas Hodgins, Q.C., has kindly prepared an elaborate Memorandum on the points submitted to him. I have only been able to make the following extracts from it, as the question opens up too wide a field to admit of an extended discussion of it in this Work.

A Royal Charter may emanate from the Crown, by virtue of a Statute, or of the Prerogative. The Prerogative is incident to sovereignty. And, although, in early times, it was assumed that a Colonial Legislature could not enact any thing against Her Majesty's Prerogative, (Chalmers, see note on page 205, the modern rule is that the Prerogative of the Crown, within the Colony, may be affected by Acts of the Colonial Legislature, when assented to by the Crown, and to which the Crown, therefore, is a party. Theberge *v.* Landry, 2 Cart. Cas). . .

Legislative authority in the former American Colonies was thus defined by Mr. Justice Story, in his Work on the Constitution of the United States:—

The Colonial Legislatures, with the restrictions necessarily arising from their dependency on Great Britain, were sovereign within the limits of their respective territories. (S 171.)

This opinion is in harmony with the cases of Phillips *v.* Eyre, L. R. 6, Q. B. 20; Regina *v.* Burah, 3 App. Cas. 889; Hodge *v.* The Queen, 9 App. Cas. at page 132, and others.

But the Sovereignty, and the Prerogative incident to it, above referred to, must, I think, be held to be those which necessarily are incident to the Colonial Sovereignty of the Crown,—that is, the Sovereignty and the Prerogative, which either expressly, or, by necessary implication, pertain to the delegation and exercise of Government, or executive, power within the definition of *Jus Summi Imperii*, or the powers of a Supreme Government. . . .

It may be mentioned here, that, by a judicial decision in 1774, (Campbell *v.* Hall, 1 Cowper, 204,) it was held that the Crown's grant by Royal Charter, under the Great Seal, of Legislative Institutions to a Colony, divested the Crown of its prerogative legislative power, or, as it was called by Lord Mansfield, C. J., its "subordinate legislation," —within the Colony. But, as the validity of the Royal Charter, here considered, is not, in any way, impeached, as *ultra vires*, or inconsistent with the grant of Legislative Institutions, the decision may not be further reviewed. . . .

‡ There was a time, however, when it was the opinion of eminent Lawyers, that Colonial Legislatures could not enact anything against Her Majesty's Prerogatives, at all events Her greater Prerogatives.—(Chalmers' Opinions, pages 50,373; Lefroy, page 184.)

Such Royal Charters as emanate from the Crown, by virtue of its Prerogative, are usually authorized by an Imperial Order-in-Council, and are tested in the name of the Sovereign:—"Witness Ourself at our Palace at Westminster." They have the Imperial Great Seal affixed, and are declared to be "Letters Patent."

In the Colony, it is also usual, (except in the case of certain Statutory Charters,) to authorize the issue of a Royal Charter by an Order of the Governor-in-Council, and to test it in the name of the Governor, as the local Representative of the Crown, and to declare it to be "Letters Patent" under the Great Seal of the Colony.* . . .

The question now to be considered is: Can a Colonial Legislature vary, or repeal, any such Imperial Royal Charter, [*i.e.*, any of the various kinds before enumerated], and dissolve the Corporation, and change the purposes, or cancel the objects for which such Corporation was created.

If the Colonial Legislature possessed such a power, it could, as incident thereto, confiscate, or alienate, any endowment given it by the Imperial Charter. . . . As to the endowment within the Province, the case, *Re* Goodhue, 19 Grant, and some of the observations of Chief Justice Robinson, in Tully *v.* Her Majesty's Ordnance, (see preceding page), 5 U. C. R., 6, on the jurisdiction of a Colonial Legislature, may be referred to in considering the question.† . . .

From what has been shown above, it must be conceded that we have clearly defined rules respecting the extent and the limitations of the Legislative power over Corporations, created by another Parliamentary authority; and also of the Executive and Judicial powers over Royal Charters, creating similar Corporations, under the Imperial, or Colonial, Great Seal. . . .

In harmony with the maxim: *Veritas et ratio a similitudine oritur*, it would seem proper to advise, though not without some doubt, that the Imperial Crown's Prerogative, lawfully exercised, and evidenced by a Royal Charter, under the Great Seal of the Empire, respecting matters within the Colony, cannot be varied, or repealed, by the Acts of the Colonial Legislature, except at the instance of the Imperial Crown, expressed or implied, or the grant of sufficient legislative power, in an Act of the Imperial Parliament.

The Honourable David Mills, Q.C., Professor of Constitutional and International Law, in the University of Toronto, has prepared, and has been good enough to send to me, a valuable historical Memorandum on the question submitted to him. I have omitted from this paper only those parts of it which did not strictly touch upon the case itself, but which dealt with incidental matters connected with it. He says:

You ask me whether an Order made by the Sovereign in Council, or any other Legislative Act of the King in Council, and operating exclusively within a Province, or a Royal Charter so operating, can be amended, or repealed, by the Provincial Legislature, without the express authority of the King in Council, and whether such Legislative Act is not as much beyond the legal competence of a Provincial Legislature, as an Imperial Statute, which is, in express terms, extended to the Province? You instance King's College, which was created and endowed by a Royal Charter in 1827, by which special rights were conferred upon certain parties [and restrictions imposed] in connection with the Institution, contrary to the prevailing opinion of the Province. . . .

*We have, in two cases, in which Royal Charters were given to educational Institutions in Uper Canada, examples of two kinds of Royal Charters here referred to. The Charter to King's College, in 1827, was an Imperial one; that to the Upper Canada Academy, in 1836, was a Colonial one, which the King through his Colonial Minister, directed the Lieutenant-Governor, Sir Francis Bond Head, to issue, "under the Public Seal of the Province of Upper Canada." See page 267 of the Second Volume of this Documentary History.

† See NOTE following the Honourable David Mills' Memorandum.

In order that I may give an intelligible reply to your enquiries, it is necessary that I should give a brief statement of certain facts preceding the granting of this Charter.

The Province of Upper Canada, being part of the country conquered from France, and formerly ceded by her to the British Crown, was, after the cession, under the exclusive government of the King in Council, subject, of course, to the supreme authority of the King in Parliament. By the Royal Proclamation of October, 1763, the King put an end to the power which he had to tax the inhabitants of the Province of Quebec, or to Legislate for them. The Imperial Parliament thereafter alone possessed that authority, until Parliament endowed such other body with such power, unless, indeed, the rights created by Royal Proclamation were carried into effect. . . .

All Legislative Acts are the Acts of the Sovereign, upon the advice and consent of the parties authorized by law to counsel him. There is no doubt a difference between a local and an Imperial Act, due to the supreme authority of the one Body over the other; and so, when their laws conflict, those of the inferior authority must give way.* The Dependency is subordinate to Parliament, and, so, too, is the King in Council. The Supremacy of a Statute passed by the Imperial Parliament, and extended to a Colony, is due to its Imperial character. But an Ordinance of the King in Council in the Government of a ceded country has no such character. It is Colonial, and not Imperial.

It does not operate beyond the limits of the Colony, and, without an Imperial Statute, it cannot be made to do so. It can have impressed upon it by its authors no characteristic which would rank it above the Act of a Colonial Legislature, the one House of which is elected by the voters in the Province. . . .

By the Constitutional Act of 1791, Upper Canada was given a Representative Assembly, and a Legislative Council, the latter, appointed by the King. These two Houses, with the Governor, as Representative, or Agent, of the King, acting on his behalf, constituted the Provincial Legislature. This Legislature was authorized to make laws for the Peace, Order and Good Government of the Province. Nothing in the Statute restrained the Legislature from dealing with any matter of domestic concern. Whether the Legislature might not repeal Imperial Acts, made by their very terms applicable to the Province, is a question of intent, determined rather by the nature of Imperial jurisdiction, than by the construction of any words found in the Constitutional Act itself. (Gordon *v.* Fuller, 5 U. C. R.—O. S. 174.)

Speaking with strict legal accuracy, the power of a Legislature in a Province, in so far as it devolves upon the two Houses, is not derived from the Crown, it inheres in the community . . .

There is no authority in the Crown to set limits to the action of either Chamber in their attempt to legislate for the local requirements of the Province. The authority of the Crown extends to its own Representative. In the Commission which it issues to him, it may prohibit, or restrain, his action, and, in doing so, it, in effect, renders abortive all attempts at legislation, in respect to the matters upon which its Representative, or Agent, has been so restrained . . .

One would require to see the Commissions, and Instructions, issued to the Governors of the period, to know whether there was any disability arising from any restraint placed upon his authority. But, even if there was not, there was a possible inability to effectively legislate, due to the fact, that the territorial revenues of the Crown, from which the King's College was endowed, were not, at the time, under the jurisdiction of the Province, and the Despatch of the Colonial Secretary was, in effect, a Royal pledge that they would not be withdrawn should the Legislature amend the Charter, so as to make the Constitution of the College conform to the wishes of the people.† The grant-

* See the note following this Paper.

† The pledge was given in the Despatch of Lord Goderich, Colonial Secretary, dated the 2nd of November, 1831, in which he said: "It can scarcely be necessary to say that no part of the endowment of King's College would ever be diverted from the great object of the Education of Youth. It must be regarded as a Fund sacredly and permanently appropriated to that object." (Documentary History, Volume II., page 55.)

ing of the Royal Charter was an executive, not a Legislative, Act. The Province, having a Constitution of its own, the Crown had no power to legislate for it. (The Bishop of Capetown *v.* Long.)

NOTE.—In the foregoing Memorandum, Mr. Mills refers to the fact that the "Casual and Territorial Revenues" of the Crown were not, in 1837, under the jurisdiction of the Province. He also says:

There is, no doubt, a difference between a local and an Imperial Act, due to the Supreme authority of the one Body over the other; and so, when their laws conflict, those of the inferior authority must give way.

The law here stated is strikingly illustrated in the case of the Clergy Reserve Act, passed by the Upper Canadian Parliament in 1840. The legality of this Act was challenged by the House of Lords, and, in consequence, the following question, among others, in regard to it was submitted to the Judges:

3. Whether the Legislative Council and House of Assembly of Upper Canada, having enacted that it shall be lawful for the Governor, by and with the advice of the Executive Council, to sell, alienate and convey, in fee simple, all or any of the Clergy Reserves; and having further enacted in the same Act, that the proceeds of all past sales of such Reserves, shall be subject to such orders and directions as the Governor in Council shall make and establish for investing in any securities within the Province, the amount now funded in England, together with the proceeds hereafter to be received from the sale of all, or any, of the said Reserves, or any part thereof, did, in making such enactments, or either of them, exceed their lawful authority?

The following reply of all the Judges (except Lords Denham and Abinger,) to this question, was delivered in the House of Lords, on the 4th of May, 1840:

We all agree in opinion that the Legislative Council and the House of Assembly of Upper Canada have exceeded their authority in passing an Act to "provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," in respect of both the enactments specified in Your Lordship's question; and that the sales which have been, or may be, effected in consequence, are contrary to the provisions of the Statute of George III, and therefore void.†

Mr. W. H. P. Clement, Barrister, Toronto, Author of "The Law of the Constitution of Canada," says:

I have no doubt of the power of a Colonial Legislature to legislate in reference to any matter pertaining to Colonial interest, notwithstanding the existence of a Royal Charter, establishing and regulating any particular Institution in the Colony.

In his Work on "the Law of the Canadian Constitution," Mr. Clement says:—

It is a clear and undoubted rule of English Law that, upon the establishment, by Charter, or Imperial Act, of a local Legislature within a Colony, that Legislature is, within the sphere of its authority—(be that sphere large or small.)—Possessed of plenary powers of law making, and may—with of course the consent of the Crown, as a constituent Branch of the Legislature—alter and mould the Prerogative, as to the Colony, to as full an extent as the British Parliament can alter and mould it as to the United Kingdom.*

† Memoir of the Right Reverend John Strachan, D.D., LL.D., First Bishop of Toronto. By A. N. Bethune, D.D., D.C.L., his successor in the See, 1870, pages 173, 174.

* Later on, in the same paragraph, Mr. Clement refers to some English cases which practically settle the law as it is stated by him above.

The grant of a Royal Charter to King's College was, of course, an exercise of the prerogative powers of the Crown. The necessity for its issue was largely, I fancy, owing to the restrictions contained in the Constitutional Act of 1791, in reference to the granting of the Waste Lands of the Crown in the Province. However, this may be, there is no doubt that the grant of the Charter was founded upon prerogative.

Miscellaneous Authorities on the Subject.

In regard to this question, I make the following miscellaneous references: They are incidental, rather than clearly pertinent to the question raised, as to the right of a Colonial Legislature to alter, or amend, a Royal Charter. Macaulay, in his History of England, gives a notable example of the interference by the House of Commons with the Royal Charter of Queen Elizabeth, which she granted, "on the last day of the sixteenth century," to the East India Company. He points out how oppressive had become the acts of this great trading corporation, and how intolerant of its power and privileges had the commercial community of England become. The result was, that, in 1794, the House of Commons practically set aside the Royal Charter of Elizabeth, and

> decided that all Englishmen had an equal right, [with the East India Company,] to traffic in the Asiatic Seas, unless prohibited by Parliament; and, in that decision, the King had thought it prudent to acquiesce.*

Note (*c*) on page 271* of Kent's "Commentaries on American Law," says:

> In England, the Statute Concerning Monopolies, (21 J I. c. 3,) which was a Magna Charta for British Industry, was a declaratory Act, and it declared that all monopolies and all licenses, charters, grants, letters patent, etcetera, "to any persons, or bodies politic, for the sole purpose of buying, selling, making, working or using anything, within the Realm," was unlawful and void, with the exception of patents for twenty-one years, for invention, etcetera, and of vested corporate rights relative to trade.†

These Acts of the Imperial Parliament,—those affecting the East India Charter and Monopolies,—are clearly modifications, if not abrogations, of Royal Charters, without previous assent of the Crown, although afterwards assented to by it. Nevertheless, in a note on page 178 of Mr. A. H. F. Lefroy's Work on "The Law of Legislative Power in Canada," he quotes Mr. Justice Henry as saying:—

> The Imperial Parliament has never, so far as I have been able to discover, attempted to deal with the peculiar prerogatives of the Crown, until previously surrendered by the Sovereign.

The words "deal with" may not be considered equivalent with "modify," or "abrogate," as I have used them above, and hence Mr. Justice Henry's remarks may be legally correct.

Mr. John Henry Howard, in his "Laws of the British Colonies," etcetera, published in 1827, in quoting the three-fold decision of the Privy Council, (2 P. Wms., 75,) as to the applicability of the Laws of England to her Colonies, says that such laws are primarily in force in such Colonies "having a local Legislature of their own, except such of them, [*i. e.*, such laws and Statutes,] as have been varied, or renounced, by the respective local governments,"—thereby admitting the right of the Colonial Legislature to vary, or renounce, English Laws in force in the Colony.

* (Volume 5, page 47, Boston and Philadelphia editions, 1861.)

† (Volume 2, Lacy's edition of Kent's Commentaries, page 271* (2).)

In the "Opinions of Eminent Lawyers . . . Chiefly Concerning the Colonies . . . of Great Britain," by George Chalmers, F.R.S., S.A., (1858), one by Attorney General Rawlin, of Barbadoes, in 1710, (or therabouts), lays down the doctrine that the local Legislatures cannot "alter the Common Law of England, . . . they cannot enact anything against Her Majesty's prerogative. They cannot take away, by any Act they can establish, any authority vested in the Governor by Her Majesty's Commission," etcetera. None of these things can they do.

"The Colonial Laws Validity Act," in the collection of "Documents Illustrative of the Canadian Constitution," by Mr. William Houston, M.A., (1891,) was passed by the British Parliament in 1865, "to remove doubts as to the validity of Colonial Laws." This Statute points out when Colonial Laws are "void for repugnancy," and when they are "not void for repugnancy," or for "inconsistency with instructions." It also declares what Colonial Legislatures can do, but it does not touch the point as to the right of these Legislatures to alter Royal Charters, or Imperial Letters Patent.

ROYAL CHARTER TO THE UPPER CANADA ACADEMY AT COBOURG, IN 1836. MODIFIED BY THE PROVINCIAL LEGISLATURE IN 1841.

The Conference of the Wesleyan Methodist Church in Upper Canada, having in the early Thirties decided to establish an Academy in Cobourg, deputed the Reverend Egerton Ryerson to proceed to England to collect Funds with which to establish the Academy and to obtain a Royal Charter for the same. On his arrival there he issued the following statement:

EDUCATION IN CANADA—A SEMINARY OF LEARNING THERE.

To be opened at Cobourg, Upper Canada, on the 1st of June, 1836, under the direction of Trustees appointed by the Conference of Wesleyan Methodist Church in Canada. A Principal has been engaged, and other arrangements are being made for the opening of the Institution, under the belief that the necessary means will be obtained. Cobourg is a beautifully situated town, with an artificial harbour, on the banks of Lake Ontario, between Toronto and Montreal.

Character and objects of the Institution.

It is designed to be a Literary Institution, in the words of the Charter, "for the instruction of Youth and Students in the various branches of Science and Literature." The children of Wesleyan Ministers are to be received upon the same terms with other youth of Canada. The specific objects of the Institution are the following: 1. To educate, upon terms equally moderate with similar institutions in the neighbouring republic of the United States, and with strict attention to their morals, youth of Canada generally. 2 To educate for Common School Teachers, free of charge, poor young men of Christian principles and character, and of promising talents, who have an ardent thirst for knowledge. 3. To educate the most promising youth of the recently converted Indian tribes of Canada, as Teachers to their aboriginal countrymen.

Necessity for such an Institution.

For want of such an Institution, upwards of 60 of the youth of Canada are now attending Seminaries of Learning, under a similar management, in the United States, where nearly 200 Canadian youth have been taught the

elementary branches of a professional Education during the last 8 years. There is good reason that nearly, if not quite, all the Canadian youth now being taught in the United States Seminaries of Learning will return to Canada as soon as this Institution shall have been brought into operation; beside the attendance of other Canadian youth, some of whom have been kept at home by their parents, for several months past, awaiting the opening of this Institution.

What number of Students can be accommodated.

There is room within the building for the residence as well as the tuition of 170 students. A much larger number can be taught, and there are boarding houses in the vicinity.

Cost of the Buildings—How defrayed.

The buildings have been erected during the last two years. They are of brick and are completed in a plain, neat and substantial manner. The cost of them is a little more than £6,000. £4,000 of this sum have been voluntarily contributed by the inhabitants of that new country—a larger sum in proportion to the circumstances and number of the population than £400,000 would be in England for a similar object. For the other £2,000 and upwards, the Trustees are individually holden to the Provincial Banks.

Amount required to relieve the Trustees and bring the Institution into efficient operation.

The sum of £2,000 is required to relieve the Trustees. About the same sum is necessary to furnish the establishment, exclusive of a Library and Apparatus. Every exertion has been made in Canada to make up this deficiency, but in vain. The country has done to the extent of its present ability.

In behalf, therefore, of this Institution, most important to the best interests of a healthy, fertile and rapidly improving British Colonial possession, the inhabitants of which have in this, as in earlier instances, shown the strongest desire to help themselves to the utmost of their very limited means —a respectful and earnest appeal is made to British liberality—an appeal which, it is devoutly hoped, will be responded to in a manner that will contribute to draw still closer the bonds by which the Loyal Province of Upper, and the British population of Lower, Canada, are united to the Mother Land.

4TH AND 5TH VICTORIA, CHAPTER XXXVII.

AN ACT TO INCORPORATE THE UPPER CANADA ACADEMY UNDER THE NAME AND STYLE OF VICTORIA COLLEGE.

Baron Sydenham and Toronto, Governor General.

Passed, 27th August, 1841.

Whereas His late Majesty, King William the Fourth, was graciously pleased to issue his Letters Patent, bearing date the twelfth day of October, in the seventh year of His Reign, in the words following:

Charter of the Upper Canada Academy recited.

"Upper Canada.

"William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etcetera.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Petition of divers members of the Wesleyan Church.

"Whereas, divers of our Loving Subjects of the Wesleyan Methodist Church, in our Province of Upper Canada, represented to Us that with the aid of private and voluntary contributions they have erected certain buildings in the vicinity of the Town of Cobourg, in the Newcastle District of our

said Province of Upper Canada, adapted for the purposes of an Academy of Learning, with the intention of founding there an Academy for the general education of youth, in the various branches of Literature and Science on Christian principles, and that they have been advised that the said undertaking would be more successfully and effectually prosecuted by Our Royal Sanction, by means of a Royal Charter of Incorporation, they have most humbly supplicated Us to grant Our Royal Charter of Incorporation, for the purposes aforesaid, under such regulations and restrictions as to Us might seem right and expedient. Prayer.

"Now know Ye that We, being desirous to maintain sound and useful learning in connection with Christian Principles, and highly approving the design of promoting the same in Our said Province of Upper Canada, by means of the founding an Academy of Learning, in Our said Province, have by virtue of Our Royal Prerogative and of Our especial Grace, certain knowledge, and mere motion, granted, constituted and declared, and by these Presents for Us, Our Heirs and Successors, do grant, constitute and declare that the Academy intended to be so founded shall be called 'The Upper Canada Academy,' and that for the purpose of establishing and maintaining the same, there shall be nine Trustees, three of whom shall go out of office annually in rotation, and whose places shall be supplied in manner hereinafter mentioned, and that Our Trusty and Well-beloved Subjects, The Reverend William Case, The Reverend John Beatty, Wesleyan Ministers of the City of Toronto, Home District, in Our said Province; Ebenezer Perry, Merchant; George Benjamin Spencer, Gentleman; John M'Carthy, Merchant of Cobourg, aforesaid; James Rogers Armstrong, of the City of Toronto, Home District, Merchant; John Counter, of Kingston, Midland District in Our said Province, Baker; Billa Flint, Junior, of Belleville, in the Midland District of Our said Province, Merchant; and the Reverend William Ryerson, of Hamilton, in the Gore District of Our said Province, shall be and are hereby appointed and declared to be the first nine Trustees of the said Academy, and shall be and are hereby constituted one Body Politic and Corporate, by the name of 'The Trustees of the Upper Canada Academy' and shall by the same name and for the purposes aforesaid, have perpetual succession, to be kept up in manner hereinafter directed, and shall have a Common Seal, with the power to break, alter and renew the same at their discretion, and shall by the same name, sue and be sued, implead and be impleaded, answer and be answered unto, in any and every Court of Us, Our Heirs and Successors in any and every part of Our Dominions.

The Academy Incorporated. Name.

First Trustees appointed.

Name by which the Corporation may exercise their Corporate Powers.

"And we do hereby will and ordain, that by the same name, they and their successors shall be able and capable in Law to take, purchase and hold to them and their Successors, any Goods, Chattels and Personal Property whatsoever, and shall also be able and capable in Law, to take, purchase and hold to them and their Successors, not only all such Lands, Buildings, Hereditaments and Possessions, as may be from time to time exclusively used and occupied for the immediate purposes of the said Academy; but also any other Lands, Buildings, Hereditaments and Possessions whatsoever, situate within Our Dominions of North America, not exceeding the annual value of Two Thousand Pounds, sterling money (£2,000), such annual value to be calculated, and ascertained, at the time of taking, purchasing and acquiring the same, and that they and their Successors shall be able and capable in Law, to grant, demise, alien, or otherwise dispose of, all or any of the Property, real, or personal, belonging to the said Academy, also to do all other matters and things incidental or appertaining to a Body Corporate, and they and their Successors shall have the custody of the Common Seal of the said Academy,

Corporate Powers granted.

Trustees may accept Gifts and Endowments.

with power to use the same for the affairs and concerns thereof. And that the Trustees shall have power to accept, on behalf of the said Academy, Gifts and Endowments for promoting particular objects of Education, Science and Literature, or otherwise, in aid of the general purposes of the said Academy, on such terms and conditions as may be agreed on for the purpose between the Trustees and the Persons bestowing any such Gift, or Endowment.

Literature and Science to be taught on Christian principles.

"And we do hereby will and ordain, that the various branches of Literature and Science shall be taught on Christian principles in the said Academy, under the superintendence of a 'Principal' or other 'Head,' Professors and Tutors, or such other Masters, or Instructors, as shall from time to time be appointed in the manner hereinafter mentioned.

Five Visitors to be appointed annually.

"And we do hereby will and ordain, that there shall be five Visitors of the said Academy, with authority to do all those things which pertain to Visitors, as often as to them shall seem meet, and who shall go out of Office annually.

Five Visitors appointed.

"And we will and ordain, that our Trusty and Well-beloved Subjects, Charles Biggar, Esquire, Justice of the Peace, Murray, Newcastle District; Joseph A. Keeler, Esquire, Justice of the Peace, Colborne, Newcastle District; the Reverend John Ryerson, Wesleyan Minister, Hallowell, District of Prince Edward Island; the Reverend Joseph Stinson, Wesleyan Minister, Kingston, Midland District; and Alexander Davidson, Esquire, Port Hope, Newcastle District, shall be the first Visitors of the said Academy, and their Successors shall be elected in manner hereinafter mentioned.

Treasurer and Secretary to be appointed.

"We further will and ordain, that there shall be a Treasurer and Secretary of the said Academy, who shall and may be chosen and displaced by the Trustees, as they shall think fit, at a meeting of the Trustees, at which not less than five of the Trustees shall be present. That a meeting of the Trustees, only, shall be called a 'Trustee Meeting,' of which five shall be a quorum. That the Trustees and Visitors together shall be called the 'Board' of the said Academy, and a meeting of the Trustees and Visitors shall be called a 'Board Meeting,' of which eight shall be a quorum, and in all such meetings a Chairman shall be appointed by the Members then present from amongst themselves, and all questions which it shall be competent for any such Meeting to decide shall be decided by the majority of the Members, being a quorum of such Meeting there present, and the Chairman of every such Meeting shall have a vote, and in case of an equality of votes, shall have a second or casting vote. That the Board, for the time being, shall have full power from time to time to appoint, and as they shall see occasion, to remove the 'Principal,' or other 'Head,' the Professors, Tutors and Masters, and all Officers, Agents and Servants of the said Academy. And the said Board shall have full power, from time to time, to make and to alter, or vary any By-laws and regulations touching and concerning the time and place of the holding ordinary Trustee Meetings, Visitors' Meetings, and Board Meetings, and for the good ordering and government of the said Academy, the performance of Divine Service therein, the Studies, Lectures, and Exercises of the Students, and all matters respecting the same; the residence, duties, salary, provision and emoluments of the 'Principal,' or other 'Head' of the said Academy; the number, residence, duties, salaries, provision and emoluments of the Professors, Tutors, Masters, Officers, Agents and Servants of the said Academy, respectively, and all other matters and things which to them may seem good, fit and useful for the well ordering, governing and advancement of the said Academy; and all such By-laws, when reduced into writing, and after the Common Seal of the Academy hath been affixed thereto, shall be binding upon all Persons and Members thereof: Provided, that no such By-law shall be repugnant to the Laws and Statutes of Great Britain and Ireland, or of Our

Trustees' Meeting. Visitors' Meeting.

Trustees and Visitors to form the "Board of the Corporation.

Powers of the Board.

Board may make By-Laws.

By-Laws not to be repugnant to the Laws of the Land.

said Province of Upper Canada, or to this Our Charter: Provided also, that no Religious Test, or Qualification shall be required of or appointed for any Person on his admission as a Student, or Scholar, into the said Academy; That any three Trustees shall, by notice in writing to the other Trustees, be competent to call an extraordinary Trustee Meeting, and any two of the Visitors shall be competent, in like manner, to call an extraordinary Visitors' Meeting, and any five Members of the Board shall be competent in like manner to call an extraordinary Board Meeting at any time and place they may see fit, on any occasion which in their judgment may render it expedient for them so to do; That the Trustees, Visitors and Board shall respectively cause Records and Minutes of all the proceedings, acts and resolutions of all and every of their Meetings, ordinary and extraordinary, to be entered and kept in Books provided for that purpose, and which Records and Minutes shall, before the breaking up, or adjournment, of any such Meeting, be read aloud by the Chairman in the presence of such Meeting, and shall be signed by him, and being so signed, shall, until the contrary be shown, be deemed and taken to be the Record and Minutes of such Meeting, and that the same Meeting was duly convened and held. And the said Trustees shall keep a Book, or Books, of Accounts of Financial Affairs of the said Academy, all which Books of Records, Minutes and Accounts shall be produced to and audited yearly at the Annual Meeting as hereinafter mentioned; That for making provisions for filling up vacancies in the places of Trustees dying, resigning, or going out of office in manner hereinafter mentioned, and for appointing Visitors to the said Academy, there shall be holden in each year an Annual Meeting of the Ministers of the said Wesleyan Methodist Church in Upper Canada, and the first Annual Meeting of the said Ministers shall be holden at the City of Toronto, or in the Town of Cobourg, in Our said Province, on the second Wednesday in the month of June, one thousand eight hundred and thirty-seven, and every subsequent Annual Meeting shall be holden at a place, and on some day in the month of June, to be fixed and appointed at the said first and every subsequent Annual Meeting, for the then next Annual Meeting, and, if no such day shall be fixed and appointed, as aforesaid, the said Annual Meeting shall be holden on the second Wednesday in the month of June, and, if no place shall be fixed and appointed, as aforesaid, shall be holden at the city of Toronto, aforesaid. Provided always, that every Person who shall at the time of any such Annual Meeting, be duly authorized to solemnize the ceremony of Marriage in Our said Province, by virtue of an Act of the Provincial Parliament of Our said Province, made and passed the first year of Our Reign, and assented to by Us, entitled an Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province, and who shall have duly obtained a Certificate for that purpose as a Wesleyan Methodist Minister, according to the Provisions of the said Act, and no other person whomsoever shall be deemed and taken to be a Wesleyan Methodist Minister within the true intent and meaning of these Presents. That on the day on which is the Annual Meeting in the year one thousand eight hundred and thirty-seven, one thousand eight hundred and thirty-eight, and one thousand eight hundred and thirty-nine, three of the Trustees, who shall then have been longest in office, shall go out of office, calculating the period for which each of the Trustees for the time being shall have been in office, from the day of his last Election, in case of his having been elected more than once; But the Trustees who on the day on which any Annual Meeting shall be held are to go out of office by Ballot or Rotation as agoresaid shall not be considered out of office until after such Meeting shall have been broken up or adjourned. That, on

No Religious Test to be required of Students.

Extraordinary Meeting of Trustees, how called.

Minutes or proceedings to be kept.

The Accounts of the Financial Affairs of the Corporation.

Vacancies in the office of Trustees, how filled.

Who shall be deemed a Wesleyan Minister of the Charter.

Three Trustees to retire annually from office.

Trustees going out, to act until the Meeting is adjourned.

Three Trustees to be elected at each Annual Meeting.

the day on which the Annual Meeting in the year one thousand eight hundred and thirty-seven shall be holden, and on the day on which every succeeding Annual Meeting shall be holden, three Trustees shall be elected in the places of three, who are to go out by Ballot, or Rotation, as hereinbefore is mentioned, but every Trustee going out of office, whether by Ballot, or Rotation,

Vacancies by casuality, how filled up.

shall be considered immediately re-eligible; That, in case there shall be caused vacancy among the Trustees arising from death, or any cause, except that of going out by Ballot, or Rotation, as before mentioned, the Annual Meeting next after, or during which any such casual vacancy shall occur, shall also elect a Trustee, or Trustees, as the case may be, to fill every such casual vacancy, and any Person who shall be elected a Trustee in consequence of, and to fill up such casual vacancy, shall be a Substitute for the Person whose place he may supply, and shall continue in Office only for the same period, as the Person whose place he may supply would have continued if such Person had continued in office until such time as he must necessarily

Visitors to be appointed at Annual Meetings.

have gone out by Ballot, or Rotation, as before mentioned. That the said Annual Meeting, to be holden in the year one thousand eight hundred and thirty-seven, shall appoint five Visitors of the said Academy in the place of the five Visitors appointed by this Our Charter, and every subsequent Annual Meeting shall appoint five Visitors in the places of the five who were in office during the preceding year, but any Visitor going out of office shall be

No person to be at once Trustee and Visitor.

re-eligible to be immediately re-appointed to the Office of Visitor: Provided, that no Person shall, at the same time, be both a Trustee and Visitor of the said Academy; That at the Annual Meeting in the year one thousand eight

Trustees and Visitors to make an Annual Report and balance the accounts of the Corporation.

hundred and thirty-seven, and at the like Meeting every succeeding year, the Trustees and Visitors shall report their proceedings during the preceding year, in the execution of their Office and of the then existing state of the Academy, and shall cause the Accounts to be balanced up to the thirty-first day of December in each year, or up to such other period as any Annual Meeting may, from time to time, appoint, and shall in every year produce and lay all such Accounts and Proceedings before the said Annual Meeting, all which Accounts and Proceedings shall be examined, in every year, before the Annual Meeting, and so far as such Accounts and Proceedings shall be found to be correct, and shall not be found contrary and repugnant to this Our Charter, nor to any such Law, as aforesaid, the same shall be allowed and signed by the President and Secretary of the said Annual Meeting, and being so allowed and signed, shall, unless and until the same be shown to be incorrect, be binding and conclusive on all the Members of the said Cor-

Secretary and President to be elected.

poration, and all Persons claiming under them. That the said Annual Meeting shall, at any such Meeting, elect a Secretary and a President from among themselves, who shall continue in office unless sooner displaced by the said Annual Meeting, until a Secretary and President shall be in like manner elected, at the then next subsequent Annual Meeting, and such Secretary and President shall each have a vote, as other Members of the Meeting, and in case of an even division, the President shall have and give an additional,

Quorum at Annual Meetings to be forty.

or casting, vote; That no Act in the premises shall be done at any such Annual Meeting, unless there be forty Members thereof, or upwards, present at the doing thereof, and the act of a majority of the Members present shall be

Election of Trustees and Visitors, and other acts done at Annual Meetings, how recorded.

the act of the Meeting; That the Election and appointment of all Trustees and Visitors of the said Academy, by the said Annual Meeting, and all other their Acts in the premises, shall be recorded in a Book by the Secretary for the time being, and after being read aloud in the Meeting by the Secretary for the time being, shall be signed by him and by the President for the time being, and, being so signed, shall, so far as the same be not repugnant to this Our Charter, or to any such Law as aforesaid, be binding on the said Minis-

ters, and on all the Members of the said Corporation, and on all Persons claiming under them. That in case the said Act of Our said Province, hereinbefore mentioned, shall hereafter at any time, or from time to time, be altered, or repealed, in whole or in part, and any other provision, or enactment shall, at any time, or time hereafter, be added to the said Act, or substituted for the same, or any part thereof so repealed, and by which added, or substituted enactment, the Ministers of the said Wesleyan Methodist Church, in Our said Province, shall be authorized to solemnize Matrimony, this Our Charter, shall for all and every the intents and purposes and privileges of this Our Charter, be held to have reference to every such added, or substituted, enactment as fully and effectually as the same now has to the said Act hereinbefore mentioned.

Provisions of their Charter to extend to any Ministers of the Wesleyan Methodist Church hereafter authorized to solemnize Matrimony.

"And lastly, We do hereby for Us, Our Heirs and Successors, grant and declare, that these Our Letters Patent, or the emolument, or exemplification thereof, shall be in and by all things valid and effectual in the Law according to the true intent and meaning of the same, and shall be construed and adjudged in the most favorable and beneficial sense for the best advantage of the said Academy, as well in all Our Courts of every part of Our Dominions as elsewhere, notwithstanding any non-recital, mis-recital, uncertainty or imperfection in these Our Letters Patent.

Charter to be valid notwithstanding any defect of form.

"In testimony whereof, we have caused these Our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed. Witness our trusty and well-beloved Sir Frances Bond Head, K.C.H., Lieutenant-Governor of Our said Province, at Our City of Toronto, this Twelfth day of October, in the Year of Our Lord one thousand eight hundred and thirty-six, and in the seventh year of Our Reign.

Attest.

"F. B. HEAD.

"By Command of His Excellency,

"D. CAMERON, *Secretary.*"

And Whereas, by the Petition of the said Board, it appears that the said Academy has been in continuous operation during the last five years, and that its success and usefulness would be greatly increased if it were incorporated with the style and privileges of a College; and whereas the said Board have prayed for the incorporation of the said Academy under the name and style of "Victoria College" at Cobourg, with such privileges as were intended to be conferred upon a College about to be established at Kingston, in connection with the Church of Scotland, by an Act of the Legislature of the late Province of Upper Canada, intituled: "An Act to establish a College by the name and style of the University at Kingston;" Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled: "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;" and it is hereby enacted by the authority of the same, that, for and notwithstanding anything in the said Charter contained, the said Academy shall hereafter be called and known as "Victoria College" at Cobourg; and that all the provisions of the said Charter, hereinbefore recited, shall be in full force and apply to everything which appertains to the Constitution, Government, Management, Proceedings and Interest of the said College, as they have heretofore applied to the said Academy.

Preamble.

Petition of the Board of the said Academy recited.

Name of the Corporation to be held after "Victoria College."

Provisions of the said Charter to apply to the said College.

Annual Conference of the Wesleyan Methodist Church, when to be held.

II. And be it enacted, that the Annual Meeting, or Conference, of the Ministers of the Wesleyan Methodist Church, mentioned and provided for in the hereinbefore recited Charter, for the filling up of vacancies in the Board of Trustees and Visitors, and for other purposes, shall be held each year at any time and place the said Meeting, or Conference, may from time to time appoint.

A College Senate constituted.

III. And be it enacted, that the Principal and Professors in the said College, together with the Members of the Board, (a majority of whom shall form a quorum) shall constitute "the College Senate," which may be assembled as occasion may require by the Principal, by giving one month's notice in the Official Gazette of this Province; and which, whenever there shall be a Principal and four Professors employed in said College, shall have power and authority to confer the Degrees of Bachelor, Master and Doctor in the several Arts and Faculties.

Senate when consisting of five members may confer degrees.

Ex-officio Visitors appointed.

IV. And be it enacted, that the President of the Executive Council, the Speakers of the Legislative Council and Legislative Assembly, and the Attorney and Solicitor General for Canada West, shall be *ex-officio* Visitors of the College, and, as such, Members of the Senate and Board.

Interpretation clause.

V. And be it enacted, that the words "Canada West" in this Act shall be understood to mean all that part of the Province which formerly constituted the Province of Upper Canada.

NOTE.—This Act was passed by the Legislature on the 27th of August, 1841.

ROYAL CHARTER FOR THE UNIVERSITY OF QUEEN'S COLLEGE, 1841.

As early as 1829 the Presbyterian Church of Canada in connection with the Church of Scotland decided to establish a College in connection with that Church as it was by no means satisfied with the terms of the Royal Charter of King's College. It, therefore, obtained an Act from the Legislature by which it was authorized to establish a College at Kingston. I have reproduced this Provincial Act here as its terms were reproduced on the Royal Charter which was granted, with the exception of the part left out, as explained by the Law Officers of the Crown in England, as given on page 194 of this Volume.

This Act of Incorporation, passed on the 10th of February, 1840, instituted a College under the name of "The University of Kingston." This Act had a Clause (15), granting to the College a yearly payment from the revenues of King's College, Toronto, for the maintenance of a Theological Professorship, according to the faith and discipline of the Church of Scotland, which was to satisfy the claim of that Church to have such a Professorship in King's College.

The first Meeting of the Trustees of the College, under this Act, was held on the 20th day of May, 1840. At this Meeting, the Chairman, the Honourable William Morris, submitted a draft of a Royal Charter, for the granting of which it was proposed to apply to the Crown. The Founders wished to have the name of "Queen's College" given to the Institution in the Act; but this name had been changed, in the House of Assembly, on the ground that it would be discourteous to give it Her Majesty's name without Her permission. The Trustees had already petitioned Her Majesty to grant a Royal Charter, to establish a University, under the name of "Queen's College at Kingston." This Petition was transmitted by His Excellency Sir Francis Bond Head, with his recommendation.

In the reply received from Lord John Russell, the Colonial Secretary, he said:

I have received a Report from Her Majesty's Attorney and Solicitor General on the Draft Charter prepared by the Trustees of the University at Kingston, which accompanied your Despatch. I enclose for your information a copy of that Report.

You will perceive that those Officers are of opinion that a Charter cannot be granted [for the reasons given]. As you appear to be anxious that a Royal Charter should be granted to this Institution, I have determined to follow the course suggested by the Law Officers as the only mode in which the wishes of the Trustees could be effected. The Provincial Act will accordingly be disallowed, and a fresh Charter will be prepared.

In framing it, adherence will be had as closely as possible to the terms of the Draft approved by you, as well as to those of the Provincial Act, omitting, however, the provisions for the endowment, out of Public Funds, of a Theological Professorship.

The following is the Copy of the Opinion of the Law Officers of the Crown referred to in Lord John Russell's Despatch to the Governor-General:

We have the honour to acknowledge the receipt of Mr. Stephen's Letter of 12th ultimo, transmitting to us, by your Lordship's directions, copies of a Correspondence between your Lordship and the Governor General of British North America, respecting a Charter which the Trustees of Queen's College, at Kingston, Upper Canada, are anxious to obtain for that Institution, together with a Draft of a proposed Charter, and requiring that we would revise it, and report to your Lordship our opinion on the subject.

Having considered these documents, together with the Act of the Legislature of Upper Canada, (3rd Victoria, Chapter 35), referred to in the Draft Charter, and intituled: "An Act to Establish a College by the name and style of the University of Kingston," we have the honour to report to your Lordship, that, in our humble opinion, the proposed Charter cannot be granted, and that an improper course has been pursued in founding this Institution.

It belongs to the Crown, by its Prerogative, to incorporate, and establish, an University. There ought to have been a Charter from the Crown in the first instance, instead of an Act of the Provincial Legislature. But the Act of the Legislature, which has been obtained, is not only objectionable in point of precedent, but it actually disables the Crown from doing by Charter what is now solicited by the Trustees. The Act, having received the Royal Assent, has the force of Law in Upper Canada, and is binding on the Crown.

The Act begins by enacting that the Institution shall be called "The University of Kingston," and the Charter proposes that it shall be called "Queen's College at Kingston." The only mode in which the object of the parties can be obtained seems to us to be to disallow the Act, and to grant a new Charter, framed as was the original Act of Incorporation, at the foundation of the Institution.

If any Legislative Enactment respecting the funds of the University should be necessary, this may follow upon the issue of the Charter. The Act already passed may, in point of Law, be confirmed by Her Majesty, but the proposed Charter cannot be superinduced upon it.

J. CAMPBELL,
THOS. WILDE.

TEMPLE CHAMBERS, 20th of October, 1840.

The following is a

Copy of the Royal Charter of Queen's College, Kingston, dated the 16th of October, 1841.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To all to whom these Presents shall come, Greeting:

Preamble. Whereas, the establishment of a College within the Province of Upper Canada, in North America, in connection with the Church of Scotland, for the Education of youth in the principles of the Christian Religion; And for their Instruction in the various branches of Science and Literature, would greatly conduce to the welfare of Our said Province.

And Whereas, humble application hath been made to Us by the Reverend Robert McGill, Moderator of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, and the Reverend Alexander Gale, Clerk of the said Synod, and the several other Persons hereinafter named, to make them a Body Corporate and Politic, for the purposes aforesaid and hereinafter mentioned, by granting to them Our Royal Charter of Incorporation, and to permit them to use Our Royal Title in the name, or style, thereof.

Certain persons incorporated. Now know ye that We, having taken the premises into Our Royal consideration, and duly weighing the great utility and importance of such an Institution, have of Our special grace, certain knowledge, and mere motion, granted, constituted, declared and appointed, and, by these Presents, for Us, Our Heirs and Successors, do grant, constitute, declare and appoint the said Reverends Robert McGill and Alexander Gale, The Reverend John McKenzie, The Reverend William Rintoul, The Reverend William Turnbull Leach, The Reverend James George, The Reverend John Machar, The Reverend Peter Colin Campbell, The Reverend John Cruikshank, The Reverend Alexander Mathieson, Doctor in Divinity, The Reverend John Cook, Doctor in Divinity, and the Principal of the said College for the time being, Ministers of the Presbyterian Church of Canada, in connection with the Church of Scotland. The Honourable John Hamilton, The Honourable James Crooks, The Honourable William Morris, The Honourable Archibald McLean, The Honourable John McDonald, The Honourable Peter McGill, Edward W. Thomson, Thomas McKay, James Morris, John Ewart, John Steele, John Mowat, Alexander Pringle, John Munn and John Strang, Esquires, Members of the said Church, and all and every such other person and persons as now is, or are, or shall, or may, at any time, or times, hereinafter be Ministers of the Presbyterian Church of Canada, in connection with the Church of Scotland,—or Members of the said Presbyterian Church in such connection, and in full communion with the said Presbyterian Church—shall be and be called, one body Corporate and Politic, in Deed and in Law, by the name and style of "Queen's College at Kingston," and them by the name of "Queen's College at Kingston."

Corporate name.

General Powers. III. We do, for the purposes aforesaid and hereinafter mentioned, really and fully for Us, Our Heirs and Successors, make, erect, create, ordain, constitute, establish, confirm, and declare by these presents, to be one Body Politic and Corporate in Deed and in name: And that they and their Successors, by that name, shall, and may, have perpetual succession as a College —with the style and privileges of an University, for the education and instruction of Youth and Students in Arts and Faculties; and shall also have

and may use a Common Seal, with power to break, change, alter, or make new, the same Seal, as often as they shall judge expedient. And that they, and their Successors, by the name aforesaid, shall and may forever hereafter be able, in Law and in Equity, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever; and also to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain in Law, to and for the use of the said College, any Messuages, Lands, Tenements and Hereditaments, of what kind, nature, or quality, soever, so as that the same do not exceed in yearly value, above all charges, the sum of Fifteen Thousand pounds (£15,000,) Sterling; and also that they and their Successors shall have power to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all, or any, Goods, Chattels, Monies, Stocks, Charitable, or other, Contributions, Gifts, Benefactions, or Bequests, whatsoever: and to give, grant, bargain, sell, demise, or otherwise dispose of, all, or any part, of the same, or of any other property, real, personal, or other, they may, at any time, or times, possess or be entitled to, as to them shall seem best for the interest of the said College.

May hold Property.

IV. And We do further Will, Ordain and Grant, that the said College shall be deemed and taken to be an University; and that the Students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master and Doctor in the several Arts and Faculties at the appointed times; and shall have liberty within themselves of performing of Scholastic Exercises for conferring such Degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said College.

College to be an University.

V. And We do further Will, Ordain and Appoint that no Religious Test, or Qualification, shall be required of, or appointed for, any Persons admitted, or matriculated, as Scholars within our said College; or of, or for, Persons admitted to any Degree in any Art or Faculty therein, save only that all Persons admitted within Our said College to any Degree of Divinity, shall make such, and the same, Declarations and Subscriptions as are required of Persons admitted to any Degree of Divinity in Our University of Edinburgh.

No religious test except in the case of Divinity Students.

VI. And for the better execution of the purposes aforesaid, and for the more regular Government of the said Corporation, We do declare and Grant that the said Corporation, and their successors, shall forever have Twenty-seven Trustees, of whom Twelve shall be Ministers of the said Presbyterian Church of Canada, and Fifteen shall be Laymen in full communion with the said Church. And that the said several Persons hereinbefore named, and the Principal of the said College, for the time being, shall be the first and present Trustees of the said Corporation, and shall respectively continue in such Office until others shall be appointed in their stead, in pursuance with these Our Letters Patent.

Twenty-seven Trustees to be appointed.

VII. And We further Will that the said Trustees, of the said Corporation hereinbefore particularly named, shall continue in, and hold, the office of Trustees, until the several days, and in the manner hereinafter mentioned, that is to say, three Ministers and four Laymen, whose names stand lowest in this Our Letters Patent, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1843, and their room be supplied by the addition of seven new Members, in manner hereinafter mentioned. Three other Ministers and four other Laymen whose names stand next to those in these Our Letters Patent who shall have previously retired, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1844, and their room be supplied by the addition of seven new Members in manner hereinafter mentioned. Three other Ministers and four other Laymen, whose names stand

Trustees to retire in rotation.

Order of retirement.

1843.

1844.

next to those in these Our Letters Patent, who shall have previously retired, shall retire from the said Board of Trustees on the first day of the
1845. Meeting of the said Synod in the year 1845 and their room be supplied by the addition of seven new Members, in manner hereinafter mentioned; and the two remaining Ministers and the three remaining Laymen, whose names stand next to those in these Our Letters Patent, who shall have previously retired, shall retire from the said Board of Trustees on the first day of the
1846. Annual Meeting of the said Synod in the year 1846, and their room be supplied by the addition of five new Members, in manner hereinafter mentioned. And on the first day of each succeeding Annual Meeting of the said Synod,
Future appointments. three Ministers and four Laymen whose names stand lowest in the future roll of Ministers and Laymen composing the said Board of Trustees, shall retire from the same, excepting in every fourth year, when two Ministers only, instead of three, and three Laymen only, instead of four, shall so retire.

VIII. And the new Members of the Board, to be appointed from time to time in succession to those who retire, shall be appointed in manner follow-
Replacing of Clerical Trustees. ing, that is to say: The three Ministers, or two Ministers, as the case may be, shall be chosen by the said Synod on the first day of every Annual Meeting
Replacing of Lay Trustees. of the same, in such manner as shall seem best to the said Synod; and the four Laymen, or three Laymen, as the case may be, shall be chosen also on the first day of every Annual Meeting of the said Synod, by the Lay Trustees
List of persons eligible. remaining after the others shall have retired; and shall be so chosen from a
Mode of selection. list of Persons made up in the following manner, that is to say: each Congregation admitted on the Roll of the said Synod, and in regular connection therewith, shall, at a meeting to be specially called from the Pulpit for that purpose, in every third year, nominate one fit and discreet Person, being a Member in full communion with the said Church, as eligible to fill the office of Trustee of the said College; and the Persons' names, so nominated, being duly intimated by the several Congregations to the Secretary of the Board of Trustees, in such form as the Board may direct, shall be enrolled by the said Board, and constitute the list from which Lay Trustees shall be chosen to fill the vacancies occurring at the Board during each year. And the names of Members, thus added to the Board of Trustees, shall be placed, from time to time, at the top of the roll of the Board, the names of the Ministers chosen as new Trustees being first placed there, in order, as the said Synod shall direct. And the names of the Laymen chosen as new Trustees being placed in such order as their Electors shall direct immediately after the names of the said Ministers.

Retiring Trustees may be re-elected. IX. Provided always, that the retiring Trustees may be re-elected, as heretofore provided, if the Synod and remaining Lay Trustees respectively see fit to do so.

Proviso. X. And provided always, that, in case no election of new Trustees shall be made on the said first day of the Annual Meeting of the said Synod, then and there, in such case, the said retiring Members shall remain in office until their Successors are appointed at some subsequent period.

Proviso. XI. And provided always, that every Trustee, whether Minister, or Layman, before entering on his duties as a Member of the said Board, shall have solemnly declared his belief of the Doctrines of the Westminster Confession of Faith, and his adherence to the Standards of the said Church in Government, Discipline and Worship; and subscribed such a formula to this effect as may be prescribed by the said Synod; and, that such Declaration and Subscription shall in every case be recorded in the Books of the said Board.

Power to elect a Principal. XII. And We further Will, that the said Trustees, and their Successors, shall forever have full power and authority to elect and appoint, for the said College, a Principal, who shall be a Minister of the Church of Scotland, or of

the Presbyterian Church of Canada in connection with the Church of Scotland: and such Professor, or Professors, Master, or Masters, Tutor, or Tutors, and such other Officer, or Officers, as to the said Trustees shall seem meet; save and except only that the first Principal of the said College, who is also to be Professor of Divinity, and likewise the first Professor of Morals in the said College, shall be nominated by the Committee of the General Assembly of the Church of Scotland. Power to elect Professors and Officers. Proviso.

XIII.—Provided always, that such Person as may be appointed to the Office of Principal, or to any Professorship, or other Office in the Theological Department in the said College, shall, before discharging any of the duties, or receiving any of the emoluments of such Office, or Professorship, solemnly declare his belief of the Doctrines of the Westminster Confession of Faith, and his adherence to the Standards of the Church of Scotland, in Government, Discipline, and Worship, and subscribe such a formula to this effect, as may be prescribed by the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, and that such declaration and subscription be recorded in the Books of the Board of Trustees: Proviso.

XIV. And provided always, that such Persons as shall be appointed to Professorships not in the Theological Department in the said College, shall, before discharging any of the duties, or receiving any of the emoluments of such Professorships, subscribe such a formula, declarative of their belief of the Doctrines of the aforesaid Confession of Faith as the Synod may prescribe. Proviso.

XV. And We further Will, that if any complaint respecting the conduct of the Principal, or any Professor, Master, Tutor, or other Officer of the said College, be, at any time, made to the Board of Trustees, they may institute an enquiry, and, in the event of any impropriety of conduct being duly proved, they shall admonish, reprove, suspend, or remove, the person offending, as to them may seem good— Discipline of Principal, Professors and others.

XVI. Provided always, that the grounds of such admonition, reproof, suspension, or removal, be recorded at length in the Books of the said Board. Proviso.

XVII. And We further will that the said Trustees and their Successors shall have full power and authority to erect an Edifice, or Edifices, for the use of the said College. Power to erect an edifice.

XVIII. Provided always, that such Edifice, or Edifices, shall not be more than three miles distant from St. Andrew's Church in the Town of Kingston in the Province of Upper Canada. Location.

XIX. And We further Will, that the said Trustees, and their Successors, shall have power and authority to frame and make Statutes, Rules and Ordinances, touching and concerning the good government of the said College, the performance of Divine Service therein, the Studies, Lectures, Exercises and all matters regarding the same; the number, residence and duties of the Professors thereof, the management of the revenues and property of the said College, the salaries, stipends, provision and emoluments of, and for, the Professors, Officers and Servants thereof, the number and duties of such Officers and Servants, and also touching and concerning any other matter, or thing, which to them shall seem necessary for the well-being and advancement of the said College, and also, from time to time, by any new statutes, rules, or ordinances, to revoke, renew, augment, or alter, all, every, or any, of the said Statutes, Rules and Ordinances as to them shall seem meet and expedient: Power to make Statutes.

XX. Provided always, that the said Statutes, Rules and Ordinances, or any of them, shall not be repugnant to these Presents, or to the Laws and Statutes of the said Province. Proviso.

Proviso.

XXI. Provided also, that the said Statutes, Rules and Ordinances, in so far as they regard the performance of Divine Service in the said College, the duties of the Professors in the Theological Department thereof, and the studies and exercises of the students of Divinity therein, shall be subject to the inspection of the said Synod of the Presbyterian Church, and shall be forthwith transmitted to the Clerk of the said Synod, and be, by him, laid before the same, at their next Meeting, for their approval; and until such approval, duly authenticated by the signatures of the Moderator and Clerk of the said Synod, is obtained, the same shall not be in force.

Approval of Synod.

College Senate constituted.

XXII. And We further Will, that, so soon as there shall be a Principal and one Professor in the said College, the Board of Trustees shall have authority to constitute, under their Seal, the said Principal and Professor, together with three Members of the Board of Trustees, a Court to be called: "The College Senate," for the exercise of Academical superintendence and discipline over the students, and all other persons resident with the same, and, with such powers, for maintaining order and enforcing obedience to the Statutes, Rules and Ordinances of the said College, as to the said Board may seem meet and necessary:—

Discipline of Students.

Proviso.

XXIII. Provided always, that so soon as three additional Professors shall be employed in the said College, no Trustee shall be a Member of the said College Senate, but that such Principal and all the Professors of the said College shall forever constitute the College Senate with the powers just mentioned.

Power to confer Degrees.

XXIV. And we further Will, that, whenever there shall be a Principal and four Professors employed in the said College, the College Senate shall have power and authority to confer the Degrees of Bachelor, Master, and Doctor in the several Arts and Faculties.

Quorum of Trustees.

XXV. And We further Will, that five of the said Trustees, lawfully convened, as is hereinafter directed, shall be a quorum for the despatch of all business, except for the disposal and purchase of Real Estate, or for the choice, or removal, of the Principal, or Professors, for any of which purposes there shall be a meeting of, at least, thirteen Trustees.

Power to choose Secretary, Treasurer and Chairman.

XXVI. And We further Will that the said Trustees shall have full power and authority, from time to time, to choose a Secretary and Treasurer; and also, once in each year, or oftener, a Chairman, who shall preside at all Meetings of the Board.

Power to fill vacancies in the Board.

XXVII. And We further Will that the said Trustees shall have power, by a majority of the voices of the Members present, to select and appoint, in the event of a vacancy in the Board, by death, resignation, or removal from the Province, a Person whose name is on the list from which appointments are to be made, to fill such vacancy, choosing a Minister in the room of a Minister, and a Layman in the room of a Layman, and inserting the name of the Person so chosen in that place on the Roll of the Board in which the name of the Trustee, in whose stead he may have been chosen, stood; so that the Persons, so chosen, may be, as to continuance in office, and in all other respects, as the Persons would have been, by whose death, resignation, or removal, the vacancy was occasioned.

First General Meeting.

XXVIII. And We further Will that the first General Meeting of the said Trustees shall be held at Kingston upon such a day, within six Calendar Months after the date of these Our Letters Patent, as shall be fixed for that purpose by the Trustee first named in these Presents, who shall be then living; of which Meeting thirty days' notice, at least, shall be given, by notification in writing to each of the Trustees for the time being, who shall be resident at the time, within the Provinces of Upper or Lower Canada; and

the same shall also be notified at the same time, by advertisement in one or more of the Public Newspapers of the said Province.

Future Meetings.

XXIX. And the said Trustees shall also afterwards have power to meet at Kingston aforesaid, or at such other place as they shall fix for that purpose, upon their own adjournment, and likewise so often as they shall be summoned by the Chairman, or in his absence, by the Senior Trustee, whose seniority shall be determined in the first instance by the order in which the said Trustees are named in these Presents, and afterwards by the order in which they shall be subsequently arranged, pursuant to the powers hereinbefore contained.

Notice in writing.

XXX. Provided always, that the said Chairman, or Senior Trustee, shall not summon a Meeting of the Trustees, unless required so to do by a notice in writing from three Members of the Board.

Publication of Notice.

XXXI. And provided also, that he cause notice of the time and place of the said Meeting to be given in one or more of the Public Newspapers of the Province of Upper and Lower Canada, at least thirty days before such Meeting; and that every Member of the Board of Trustees, resident within the said Province, shall be notified in writing by the Secretary to the Corporation, of the time and place of such Meeting.

Intention and Meaning of Letters Patent.

XXXII. And We Will, and by these Presents for Us, Our Heirs and Successors, do grant and declare that these Our Letters Patent, or the enrolment, or exemplification thereof, shall and may be good, firm and valid, sufficient and effectual in the Law, according to the true intent and meaning of the same, and shall be taken, construed and adjusted in the most favourable and beneficial sense, for the best advantage of Our said College, as well, in Our Courts of Record, as elsewhere; and by all and singular Judges, Justices, Officers, Ministers, and others, subject whatsoever of Us, Our Heirs and Successors, any unrecital, non-recital, omission, imperfection, defect, matter, cause, or anything whatsoever, to the contrary thereof in any wise notwithstanding.

Date: 16th of October, 1841.

In Witness Whereof, We have caused these Our Letters to be made Patent. Witness Ourself, at Our Palace at Westminster, this Sixteenth Day of October, in the Fifth Year of Our Reign.

By Writ of Privy Seal, EDMUNDS.

THE REVEREND DOCTOR STRACHAN'S REVIEW OF THE KING'S COLLEGE CONTROVERSIES FROM 1827 TO 1842.

No man occupied so conspicuous a position, or was so prominent as an actor, in the stirring controversies in the early days of our educational history, as the Right Reverend Doctor Strachan, first Church of England Bishop of Toronto. He was not always just to those who differed from him, nor was he always considerate of their feelings; but he was one of those men, who, having reasoned the matter in controversy out in his own mind, expressed himself as his strong feelings may have dictated, and his judgment prompted.*

* The Reverend Doctor Ryerson, who was himself a noted controversialist and often crossed swords, as such, with Doctor Strachan, thus characterised his old antagonist in his "Epochs of Canadian Methodism" (1880): Upward of fifty years has passed away since my criticisms on Doctor Strachan's Sermon on the death of the Bishop of Quebec, [Jacob Mountain,] were written. On the reperusal of them, after the lapse of so long a time, the impression on my own mind is that Doctor Strachan was honest in his statements and opinions . . . He was more moderate and liberal in his views and feelings in his later years, and became the personal friend of his old antagonist. The "Reviewer," [i. e., Doctor Ryerson,] he said "fought fair," page 145. "*The Story of My Life*," *page 217*. See also the interesting incident of a stage ride of the Bishop and Doctor Ryerson, mentioned on page 299 of "*The Story*."

In the following Communication, which Doctor Strachan wrote to the newly appointed Governor-General, Sir Charles Bagot, Chancellor, (in terms of the Charter, of the University of King's College), he gives an elaborate account of the proceedings which had led to the granting of that Charter, and of its very liberal terms, from an English archiepiscopal standpoint. He also refers to what he regards as the unreasonable and unjust attacks made upon it, chiefly, as he stated, by the "adherents of the Church of Scotland,"—they "leading the attack," and being "warmly supported in it by large bodies of the Methodist Society."

The Bishop then goes on to point out, what he characterises as the selfish policy of these two Religious Communities, in their two-fold attack on the King's College Charter; for he says:

No sooner did these two Religious Societies succeed in compelling such an alteration of the Charter as wholly deprives King's College of any Religious character . . . than they have set themselves actively and successfully to work in obtaining . . . Charters for the foundation of two Colleges in . . . strict and exclusive connection with their respective Religious Denominations . . . and then seeking financial aid for their Institutions,—the one, (Queen's College) from the income of King's College, and other, (Victoria College) from the public revenue.

It is in this apparently fair, yet partial, statement of the proceedings of these two Religious Communities, that the President of King's College has done, (no doubt unwittingly), injustice to the generous and self-sacrificing efforts of the Church of Scotland in Canada, and also of the Wesleyan Methodist Church for the promotion of education in the Province. As a matter of fact, these Churches, after waiting patiently year after year for the establishment of King's College, felt that this delay was telling seriously against the interests of their Communions, in the prolonged absence of facilities for the education of their Ministers, and of those of their Laymen who were desirous of entering the other learned professions. No one has more strongly pointed out this higher educational dearth than has Doctor Strachan himself in this very Letter to the Chancellor of King's College. Feeling this want keenly, as the years went on, and without any immediate hope of seeing it supplied, the two Churches mentioned put forth unusual efforts and established Institutions of their own, and for which they naturally sought aid for them from the Government and the Legislature, as pointed out by Dr. Strachan.

The following is the copy of Doctor Strachan's Letter of Review to Sir Charles Bagot, dated the 26th of January, 1842, to which reference is made, and which was laid before the King's College Council at its Meeting, on the 19th of February, 1842:

The nature of the subject on which I take the liberty of addressing Your Excellency will, I trust, sufficiently excuse me for intruding upon Your Excellency so soon after the commencement of your administration, which, for the sake of every public interest, I earnestly hope may be less transient than those which have lately preceded it.

2. It is my desire to bring under Your Excellency's consideration, as early as circumstances may permit, the present situation of affairs, as regards the proposed University of King's College, not doubting but that Your Excellency will feel, and readily acknowledge, the great importance of removing all obstacles to its being brought into active operation with the least possible delay.

3. Assuming that Your Excellency has not yet had an opportunity of informing yourself of the circumstances connected with this Royal Foundation, I beg leave to state them briefly, and shall have much pleasure in furnishing any more detailed information that Your Excellency may desire.

Establishment of Queen's College and Victoria College.

4. It has, probably, come under Your Excellency's notice, even in the short time of your residence in Canada, that a Collegiate Institute, in direct and exclusive connection with the Church of Scotland, is on the point of commencing the business of instruction at Kingston, and that another, connected as exclusively with the Methodist Society, has been for some time open at Cobourg, in this Province,—both possessing Charters, and the power of conferring Degrees given, in the one case by the Royal authority, and, in the other, by an enactment of the Provincial Legislature.

Unusual Delay in Establishing King's College University.

5. It can scarcely fail to excite surprise, as well as regret, that no similar Institution connected by the same ties with the Church of England is yet in operation in Canada, nor any, in fact, from which its Members are not positively, and, in terms, excluded, so far as regards any share in their government, or in the office of Instructors, considering that the Religion of the Church of England is the national Religion of the Empire, with the exception of Scotland, that her Members are very numerous in all parts of the Province, amounting, in this City alone, to more than 6,000; and that they must be admitted to possess even a greater proportion than their numbers would indicate of the wealth and intelligence of the entire population, it might naturally have been expected that those within her pale would have been the first, and not the last, to enjoy the opportunities of instruction in the doctrines of their Religion, and in the higher branches of learning.

Causes of this Delay in Establishing King's College, Stated.

6. That the fact is otherwise is owing to circumstances, the force of which can perhaps be scarcely appreciated, even after so short an interval, by any one who has not been a witness, upon the spot, to the events of the last few years. The fault has not been with the Government, in neglecting, at an early day, to bestow their attention upon this most important subject; for Your Excellency will find, among the very earliest acts of the Colonial Government, honourable proof of their anxiety to lay the foundation of such an Institution, as those, which in the Mother Country, have so nobly contributed to the pre-eminence of her people, in all that constitutes the glory and prosperity of a State. The suggestions which were forwarded from the Government and Council of this Province, so very early as 1796 and 1797, were powerfully and warmly seconded by the Duke of Portland, then Secretary of State for the Colonies, and a large tract of land was set apart to form an endowment for Grammar Schools and a University, as soon as the circumstances of the Colony might admit of its establishment.

7. From that period, nearly thirty years were suffered to elapse, without any active measures being taken for carrying the design into effect. This may be accounted for, though perhaps not quite satisfactorily, from the facts that the Province was still very thinly peopled, that its inhabitants were widely scattered over an immense space, with very imperfect means of communication, and were not, in general, in circumstances sufficiently opulent to make it probable that many of the youth would avail themselves of the advantages of such an Institute, and there was even a stronger reason in the fact that the Lands assigned as an endowment turned out not to be well selected, and, at a period when lands much better and more accessible were granted by the Government to Settlers on very moderate terms, they could not have been converted into money without a ruinous sacrifice, which would have rendered the resources utterly inadequate to the purpose which they were intended to provide for.

8. When I say that even these circumstances do not perhaps satisfactorily account for the long delay in acting upon the early intentions of the Government, it is because I cannot forget, at how much earlier a period, speaking comparatively, as regards population and resources, most of the British American Colonies, which now form the United

States, were in the actual possession of these Collegiate Institutes, which have some of them maintained a high reputation to this hour, and have contributed incalculably to the respectability and usefulness of the members of their learned professions; and to that general character for intelligence which distinguishes their people.

Steps Taken to Procure a Charter for the Proposed King's College.

9. However, in 1827, when Upper Canada contained scarcely more than a fourth part of its present population, an earnest and effectual effort was made by the then Lieutenant Governor, Sir Peregrine Maitland, to engage the co-operation of the Government of England, in the actual establishment of an University, according to the original design.

Sale of Lands to the Canada Company—Endowment of King's College.

10. The British Government had not long before contracted with an Association, formed in London, called "*The Canada Company*," to sell to them the Crown Reserves in Upper Canada, by which was meant those reserved Lots, being in the proportion of one-seventh of the Lots, in each Township, which had been reserved by the Government for future disposition, in conformity with the Royal Instructions, regulating the Grants of Land; and, in this sale to the Canada Company, such of these reserved Lots were excepted as had been leased, in the meantime, to applicants, (as many of these were for the term of twenty-one years). The Lots thus withheld from sale to the Company comprise rather more than 220,000 Acres, and, being dispersed through the several Townships, were more valuable, and could, with more certainty, be made available for producing a Fund than could those which had been set apart for the University.

11. It was, therefore, proposed by Sir Peregrine Maitland to the Secretary of State for the Colonies, that the Crown should appropriate these Reserved Lots to the support of the contemplated University, in lieu of an equal quantity of the Lands originally intended for that purpose, that a Charter for the University, to be called King's College, should issue without delay, under the Great Seal of England, and that measures should be taken, within the Colony, for bringing the Institution into operation as speedily as possible.

Detail of Steps taken to Procure the Charter of King's College.

12. I had been engaged during many years in the education of Youth in Upper Canada, and I may venture to say, not without very gratifying success: and His Excellency did me the honour to commit to me the task of soliciting and urging forward the Charter in England.

13. Lord Bathurst, (the then Secretary of State for the Colonies), whose memory I shall ever hold in the highest respect, entered warmly into the measure which the Lieutenant-Governor, (Sir Peregrine Maitland,) had recommended, and in that sacred spirit, and with those practical views that I feel perfectly assured, if His Lordship had continued to hold for three years longer the Seals of the Colonial Department, this Province would, for many years past, have been in the enjoyment of means of instruction, inferior to none upon this Continent.

14. The Charter was completed in April [15th of March,] 1827, not without some delay, occasioned only by the scruples felt in England, (on the part of the Government,) against making the Charter so open in its character, as I felt it would be desirable to make it, having reference to the varied population, and the state of society in Upper Canada. In granting a Royal Charter for a College, which was to confer Degrees in the Arts and Sciences, and more especially in Divinity, it was deemed necessary to refer to His Grace the [Most Reverend Doctor Charles Manners Sutton,] Archbishop of Canterbury, and, notwithstanding the prevailing disposition of His Grace, and of the Government, to concede all that was just and reasonable, it was not without much difficulty that

I succeeded in obtaining a Charter so comprehensive in its provisions, that none of a character so liberal had ever passed the Great Seal of England for a similar purpose.

PROVISIONS OF THE CHARTER OF KING'S COLLEGE EXPLAINED.

15. I take the liberty of enclosing to Your Excellency a copy of it as it originally issued; and Your Excellency, on perusing it, will find that, while it was clearly and properly intended that the University should be a Body in connection with the Church of England, yet no Test whatever was to be required of Teachers, or Scholars, with the single exception, obviously unavoidable, that Graduates in Divinity must subscribe to the Articles of the Church of England, and that the Archdeacon of York was to be President of the Institution. The other Professors might have been Members of any Religious Community whatever, and so might those whom the Institution was to receive and instruct. The only connection which the Charter preserved with the Established Church was that provision, which I have mentioned, in regard to Degrees in Divinity, and the further provision, that the Members of the College Council, who were to regulate its affairs, and prescribe its discipline, were to subscribe to the Articles of the Church of England. The intention of this, no doubt, was to exclude religious dissension and rivalry in the management of the College, and to afford to Parents an open and certain security that one form of Public Worship only, and one Religious Faith, would be maintained and inculcated within the walls of the University, while its means of instruction would be open to all.

16. The Charter was received in this Province, while Sir Peregrine Maitland was still in the Administration of the Government. A Council was immediately organized, and measures were taken for procuring the most eligible Site for the College, and for deriving such an Income from the Lands as might soon make the Institution productive, in some degree, of those inestimable advantages which were reasonably to be expected from it.

PROTRACTED DELAY IN ESTABLISHING KING'S COLLEGE—ITS EVIL EFFECTS.

17. Thirteen years have now elapsed, and up to this moment, no other benefit has been derived from it than that its Funds have been made to support another Institution, [the Upper Canada College] highly useful, certainly, but, which might, without difficulty, have been otherwise provided for, and which, like other similar Institutions, confining its instructions to the Classics and Mathematics, does not profess to teach any of those other branches of Science which are acquired in the Halls of our Universities, and which are necessary to qualify youth for the learned Professions, and to complete the education of a Scholar.

18. In that period I need not say how many scores of young men of promising talents may have entered upon the career of life, and have taken part in the public affairs of the Country, without these superior qualities of the mind and heart, which the best means of instruction are the most likely to supply, nor can it be told what a disadvantage it may prove to the future fortunes of this growing Country, that such foundation has not been laid, even at this advanced period of her progress.

CAUSES WHICH OBSTRUCTED THE ESTABLISHMENT OF KING'S COLLEGE.

19. Your Excellency, I dare say, is in some measure aware of the impediments which have been allowed to prevent the Charter from being acted upon. Whether they ought to have been suffered to have that effect, It can serve no purpose to enquire now, for the past cannot be recalled; and Your Excellency is happily relieved from the necessity of reverting to contentions which were painful while they lasted, and which, it is much to be desired, may not be renewed.

20. I will, therefore, only state, in a few words, that the Charter, which in England was with difficulty conceded,—on account of the Religious character of the College being insufficiently defined,—was objected to in the Colony by various Sects, and by many who did not profess to belong to any Church, and chiefly by popular Leaders in the Assembly,

as being illiberal and exclusive in its character. Recent events, and the present position of some of those who took the most prominent lead in the attack upon the College Charter, have thrown light upon the object of their opposition,—if, indeed, it were possible that any sane and intelligent person upon the spot could have had doubts on that point. It is not a new discovery in public affairs, that those who aim at the gratification of a criminal ambition can only expect to succeed by first prostrating whatever is most sacred and best established in Government and Religion.

Influences Which Led to an Amendment of King's College Charter.

21. The British Government, willing, as it has appeared, to purchase tranquility at almost any sacrifice, shewed early a disposition to entertain objections against the Charter, which the Crown had granted; and, as the Lieutenant-Governor of the Province was made, by the Charter, Chancellor of the University, and his concurrence was necessary in the several arrangements which were indispensable, before the Institution could be opened,—the hesitation of the Secretary of State for the Colonies formed an insuperable barrier to the Council proceeding.

22. After some years of discussion, it was proposed to the College Council [in November, 1831,] by Lord Goderich, the then Secretary of State, that they should surrender the Charter, in order that the Crown might grant a new one of a different character. I enclose to Your Excellency a copy of the answer, which the Council thought it their duty to give. The Provincial Legislature were afterwards invited, by the Government, to alter the Royal Charter by a Colonial Act. A general disposition was felt to arrive at some conclusion which might admit of the Province receiving the benefit intended by the very munificent endowment which the Crown had granted, and the Act was passed [in 1837] of which I send Your Excellency a copy. It did not seem to the Legislative Council to be consistent with usage and with constitutional forms and principles that a Colonial Legislature should pass an Act wholly altering the provisions of a Royal Charter issued under the Great Seal of England, and they ventured respectfully to address His Majesty, suggesting that the same object might be accomplished by a less questionable proceeding. But the course which had been recommended was sanctioned and confirmed as regular, and the Bill was assented to and the provisions [modifying the original Charter in part] form the present Charter of King's College.*

Establishment of Upper Canada College in the Meantime.

23. If those judged ill who desired to see the Royal foundation maintain its Religious character, it is fortunate that their opinion was overruled, although it cannot be otherwise than entitled to respect, as being in accordance with the system long cherished and maintained in all parts of the United Kingdom. If they were right in their views, it is only to be regretted that, without the support of their Government, they found themselves unable to sustain them, and certainly not against its decided opposition. And it is not unworthy of remark, in connection with this interesting subject, that during the many years that the dispute lasted, the Seminary called Upper Canada College, founded by Sir John Colborne, (now Lord Seaton,) has been conducted, almost without exception, by Masters who are in Orders of the Church of England, and Graduates of the English Universities. From the day of its first opening, a Clergyman of the Church of England has been at its Head. For some years, the four Masters were all Clergymen of the same Church. There are now five resident Masters, four of whom are in Holy Orders, and the other is a Member of the Church of England. The School is supported from public funds, and is freely, and without scruple of jealousy, resorted to by children of parents belonging to every Religious Denomination—Roman Catholics, Methodists, Presbyterians, and various other Sects.

* This question was raised in a Report on the Subject by the Legislative Council, in 1837.

24. And so, am I persuaded, would it have been well for King's College, if it had been unhesitatingly carried into effect upon the principles upon which it was founded and conducted, as it certainly would have been, in that just and liberal spirit, which, in the present age, is necessary to the success of every great undertaking, and which is best secured, where the elements of distraction and dissension are excluded, by laying down and acknowledging a uniform system, and steadily maintaining it.

25. That this conviction must be nearly universal among thinking men, I can hardly refer to a more striking proof than the state of things to which I have adverted, in the beginning of this Letter.

FOUNDERS OF QUEEN'S AND VICTORIA COLLEGES OBJECTORS TO KING'S COLLEGE CHARTER.

26. The Church of Scotland and its Members in this Province were among the earliest and most strenuous assailants of the Royal Charter of King's College, as unfriendly to civil liberty, and unjust and inexpedient in its provisions. They were warmly supported in their attack by large bodies of the Methodist Society. And, no sooner did those two Religious Societies succeed in compelling such an alteration of the Charter, as wholly deprives King's College of any acknowledged Religious character, and, consequently, of any security in respect to the doctrines which may be taught there, than they have set themselves actively and successfully to work in obtaining from the Government, and from the Legislature, Charters, for the foundation of two Colleges, in such strict and exclusive connection with their respective Religious Denominations, and that, not only the government of each College, but the whole business of instruction to be carried on within it, is required to be absolutely in the hands of those, who declare and subscribe themselves Members of the one Religious Society; and Your Excellency will perceive in how decided a manner it is provided that not the Members of such Church only, but the clerical Members of it, shall control and govern the whole.

26. The term "liberal," in the sense now frequently used, seems to mean little else than the absence of wholesome regulation and restraint, but, so far as it may be applicable to this subject, it is certainly undeniable that the original Charter of King's College, which the Members of these two Religious Bodies described as "exclusive and intolerant," is, beyond comparison, more liberal than those Charters which they have themselves applied for and obtained for similar purposes; and, surely, when they petitioned for such Charters, as have been granted to them, they gave the most unequivocal evidence that, in their conviction, at least, the welfare and harmony of such Institutions could only be insured by founding them in avowed and strict connection with some known form of Religious Doctrine and Worship,—in other words, they have acknowledged that the object, which the slight restraints in King's College Charter were meant to secure, was reasonable and necessary, and ought to have been guarded by more strict and effectual conditions than that Charter contained.

27. They may answer: "that these are Institutions not endowed by the State but supported wholly by the private contributions of the Members of their respective Bodies." But, in the first place, the fact is not so, for they have both applied for, and one of them [Victoria College] has obtained assistance [£500] from the public Revenues of the Province, and it is remarkable that the adherents of the Church of Scotland, after leading the way in the attack upon King's College, actually pressed upon the Government an application for a portion of the annual income destined for that University, to be applied to the support of [a Theological Professor in] their Institution, in which no subject of the Crown, not being a Member of that Church, could have any concern, either as a Governor, or Teacher.

28. But, if they could say truly, that they had neither received nor applied for any support from the public Funds, I do not see that the force of the inference to be drawn from their conduct, as contrasted with their former complaints, would be in any degree lessened. For, if, when all depended on their own wish, and was within their own

control, they desired to have their College found in exclusive union with their single Church, it must, in justice to them, be presumed that they considered that such a desire was both reasonable and judicious. And surely they cannot mean to insist, that the Sovereign alone should be disabled from founding an Institution for learning, upon sound and safe principles, or that the National Church of the Empire is the only Religious Community whose doctrines and Worship should be looked upon with jealousy and distrust.

29. Nevertheless, such is the relative position in which the Church of England, at the end of what I have always looked upon as a most unreasonable controversy, finds herself placed.

30. It was not my intention, when I began this Letter, to enter so fully into the statement of what has passed in relation to King's College; but I have been insensibly led on by the interest which I feel on the subject, and which Your Excellency, I trust, will excuse, on account of my early and particular connection with it. And I have been in some measure influenced by the consideration, that such a retrospect was necessary to place the matter in an intelligible form before Your Excellency.

OBJECT OF THIS LETTER TO PROMOTE THE EARLY ESTABLISHMENT OF KING'S COLLEGE.

31. My design was respectfully to solicit Your Excellency's attention to King's College, in the hope of leading to an important, practical, result. And, with this view, I proceed to state that the College Council have, since the year 1828, been engaged in realizing a Fund from the Lands granted as an Endowment. They have governed themselves throughout by these two principles, which seemed necessary for preventing an injudicious sacrifice of their resources. *First*, they have sold no Lands for a less price than twenty shillings per acre; and *Secondly*, they have forborne to spend any part of the principal of their Funds. Their Revenue, from interest accruing upon purchase money, has been in a great degree absorbed by advances made for the support of the Public School, called "Upper Canada College," which has no Charter, but is now, by an Act of the Legislature, connected with the proposed University.

AMPLE PREPARATIONS HAVE BEEN MADE FOR THE ESTABLISHMENT OF KING'S COLLEGE.

32. But they have also expended a considerable sum in making such preparations for the University, as I am persuaded Your Excellency will think have been judicious, and not more than commensurate with the scale required, by the extent of the Endowment, and by the future prospects of this already flourishing and prosperous Colony. A tract of one hundred and fifty acres of Land was purchased in the year 1828, in the immediate vicinity of this City, combining every requisite and advantage suitable to the purpose. A handsome Avenue, leading to it from the City, has been formed, and planted, and the Grounds have been gradually brought into that state, that, I think I may venture to say there is nowhere upon this Continent anything of the same kind superior to it, and I doubt if there is anything equal to it.

33. Your Excellency, however, I trust, will soon have it in your power to judge of this by actual inspection. This kind of preparation must necessarily be the result of time, and was, therefore, fortunately undertaken at once, and, in consequence, a very beautiful and, in every way, appropriate Site is now perfectly ready for the reception of such Buildings as it may be deemed convenient to erect. The Council has also devoted much attention to the plan of the proposed Buildings, and have long been prepared to submit, for the consideration of the Chancellor of the Institution, Elevations, Specifications and Estimates, framed by very competent persons, from which a selection may be made as will admit of the gradual expansion of accommodation, to meet the growing wants and suit the increasing means of the Institution.

34. All this, and whatever further information may be required by Your Excellency, either in respect to the past occurrences, or the present actual condition of the affairs of

King's College, I shall be most happy to lay before Your Excellency, with the least possible delay, and in as detailed and precise a form as may be required; and I am prepared to show to Your Excellency that, so far as Funds are concerned, there need be no more time lost in putting the Province in actual possession of the greatest benefit, perhaps, which the generosity of the Parent State could have conferred upon it, not, of course, in the fullest extent, but in such a degree as shall leave us no longer subject to the reproach of being wholly without such means of instruction in the Sciences as exist in every other Colony and Country of equal population.

35. After the Charter had been altered, so as to deprive it of even a semblance of any defined Religious character, I know not what may have been imagined as a reason for delaying to act upon it. It is probable that the unsettled state of public affairs of late years, and the necessity which the Government has been under of giving their attention to the details, consequent upon the changes made in the Constitution of the Colony, have alone led to it.

36. But now that things may be expected soon to assume the form of a settled government, I do most earnestly and anxiously hope, that not a moment may be lost in giving actual existence to a College, in which the Members of the Church of England if they are to have no peculiar interest may, at least, claim admission in common with others, as Governors and Teachers.

37. I need not say that with a population of 500,000 souls, the Province is ripe for such an Institution; that the best interests of the people and of their government require it; and that it will be a high and gratifying distinction if Your Excellency's Administration of it shall be reserved for Your Excellency, as Chancellor of King's College, to lay the visible foundation, and call into actual existence an University, in which the youth of Canada may obtain under able and experienced Instructors, such an education as may fit them for their relative and social duties in a manner worthy of the Country they inhabit and of the Empire to which they belong.

38. Not a year passes in which I have not the pain of witnessing most promising young men excellently prepared for the Lectures of an University by the course of tuition in Upper Canada College departing for ever from the Halls of learning, and entering upon the actual business of life without that completion of their education which is necessary to store their minds with knowledge, and to form their character as men, and to give them the right application of that learning which they have spent years in acquiring.

TORONTO, 26th January, 1842. JOHN TORONTO.

February, 23rd, 1842.—The President of the Council laid before it the following Letter, dated the 19th instant, which he had received from Sir Charles Bagot, Chancellor of the University, in connection with the Letter which he had addressed to the Chancellor on the 26th ultimo, and which he had laid before the Council at its last Meeting:—

My Lord,—I have had an opportunity of seeing Mr. Macaulay and explaining to him the great inconvenience which was occasioned by the unavoidable absence from Toronto of some of the Members of the Council of King's College, whose duties compelled them to reside in this place during a great part of the year;—and how much the business of the Council might be assisted if he would allow me to appoint to the Council, in his place, some person who was more constantly on the spot.

Mr. Macaulay entered fully into our views of the subject, and having immediately sent in his resignation of the office, I have great pleasure in acquainting your Lordship that I have in consequence nominated the Reverend Henry James Grasett to supply his place.

KINGSTON, 19th February, 1843. CHARLES BAGOT.

OPENING OF KING'S COLLEGE UNIVERSITY ON THE 8TH OF JUNE, 1843.

The Council of King's College University, having obtained permission from His Excellency the Governor-General to occupy the former Parliament Buildings, Toronto, until the erection of their own edifice, determined to commence the work of instruction in King's College in that Building.

On Thursday, the 8th of June, 1843, the opening of the College took place.

Inaugural Addresses were delivered by the Right Reverend Doctor Strachan, the President, the Reverend Doctor McCaul, the Vice-President, the Honourable Chief Justice Robinson, and the Honourable Mr. Justice Hagerman, Visitors.

The Right Reverend Doctor Strachan's Historical Address.

The Honourable and Right Reverend Doctor John Strachan, Bishop of Toronto, President of the University, in opening the proceedings said:

I feel very sensibly that no light duty is laid upon me on this auspicious day. We are assembled to celebrate the opening of the University of King's College,—an event to which many have been looking forward for nearly half a century. It is a consummation of the greatest importance to the well-being of this great Colony, and the proceedings with which it is attended will henceforth become a matter of history. I can, therefore, in no better way commence the business of the day than by giving a brief narrative of its rise and progress, from its first dawning to the present hour. The time will come when even the smallest particular respecting the origin of this Institution—the delays it had to suffer, and the obstacles it had to surmount—will become matter of the deepest interest to its many sons.

Original Settlement of Upper Canada by the Loyalists.—Lord Dorchester.

When the independence of the United State of America was recognized by Great Britain in the peace of 1783, this Province became the asylum of those faithful subjects of the Crown, who had, during the Revolutionary War, adhered to their King, and the unity of the Empire. And it is pleasing to remark, that in 1789, a little more than five years after their first settlement in Upper Canada, they presented a Memorial in accordance with the same noble principles to his Excellency Sir Guy Carleton, then Lord Dorchester, and Governor General of British North America, on the subject of Education; in which Memorial—after lamenting the state of their children, growing up without any instruction—religious or secular—they requested his Lordship to establish a respectable Seminary at Kingston, which was, at that early period, the principal Town in this division of the Colony.

To this representation Lord Dorchester paid immediate attention, and gave directions to the Surveyor-General to set apart eligible portions of land for the future support of Schools in all the new settlements of Upper Canada.

The Constitutional Act of 1791.—Lieutenant Governor Simcoe.

Those lands, however, remained unproductive; the settlers were few in number, and thinly scattered; and, before any substantial benefit could be derived from such reservations, the Constitutional Act of 1791 was passed, dividing the Province of Quebec into Upper and Lower Canada, and conferring upon each a distinct and separate government.

Soon after the passing of this Act, General John Graves Simcoe—a Gentleman of great piety, literature and science, and most devoted to the welfare of the Province—

was appointed Lieutenant Governor. After exploring its resources and making himself well acquainted with its wants, he applied himself earnestly to the Religious and Secular Education of the people.

Unfortunately for Upper Canada, his personal administration of the Government was of short continuance; and, before he was able to complete the establishment of a Seminary of Learning adequate to the requirements of the Colonoy at that time, he was moved to a higher government; and after his departure the project was dropped.

Imperial Land Endowment of Education in 1797.—A University Projected.

At length the Legislature, in their Session of 1797, took up the subject of Public Instruction, and agreed, in a joint Address to the Imperial Government, praying that His Majesty would be graciously pleased to direct the proper Authorities in the Province to appropriate a portion of the waste Lands of the Crown for the purposes of Education,—that such Lands, or part thereof, should be sold in order to produce a sufficient Fund for the purpose of erecting and endowing a respectable Grammar School in each District of the Province, and likewise a College, or University, for the instruction of the youth of the whole Province, in the different branches of liberal knowledge. This was the first time that a University was publicly mentioned as necessary for the Colony, and it has never, from that time to this, the day of its happy consummation, been forgotten; but has occasionally been mentioned as one of the most important objects that could be desired for the well-being of the Country.

To this Address an answer was returned by his Grace the Duke of Portland, then Secretary of State for the Colonies, communicating, in the kindest terms, His Majesty's readiness to shew his parental care for the welfare of his subjects, and informing the Legislature of His Gracious intention to make the grant for the establishment of Grammar Schools where required, and, in due time:—

"Other Seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the Arts and Sciences."

Proceedings of the Government of Upper Canada in regard to this Grant.

Orders were, at the same time, sent to the Honourable Peter Russell, then at the Head of the Government of Upper Canada, to consult the Executive Council, the Judges, and the Law Officers of the Crown, and to call upon them to report in what manner and to what extent a portion of the Crown Lands might be appropriated and rendered productive for such important purposes. These Gentlemen drew up a very interesting Report on the subject, and recommended that, as soon as the sale of the Lands could be made available, four Grammar Schools should be established,—one for each of the Districts into which Upper Canada was at that time divided. The Report likewise recommended the founding of a University at Toronto, (then York), as the most central position, whenever the Province should require such an Institution, and that one half, at least, of the Lands set apart, be reserved for its support.

Owing to the small value of land, it was soon discovered that the sum required would far exceed any Fund that could be expected from the appropriation; that, in fact, the whole of the Grant, consisting of more than half a million of acres, would scarcely suffice for a single Grammar School. All further proceedings were, therefore, postponed until the increase of population, and the growing settlements, made the Lands more valuable.

The First Grammar School Law of Upper Canada in 1807.

This prospect, however, was so distant, that the Legislature began to feel it necessary,—limited as were the funds at its disposal,—to do something effectual towards the promotion of Education. A law was accordingly passed in 1807, establishing a Grammar School in every District, in which the classics and Mathematics were to be taught; and thus a commencement of education was made of great importance to the Country. Had

the revenues of the Province admitted, or had the Lands become sufficiently available, so good a spirit prevailed that the University would have been commenced at the same time. But this not being the case, the Legislature wisely determined in favour of District Grammar Schools, as more generally useful in the then state of the Province than a higher Seminary, because at them such an education might be obtained as would qualify young men for the different professions. Moreover, such Schools would become excellent nurseries for the University, when it was necessary to establish it.

The advantages anticipated from the establishment of the District Grammar Schools have been more than realized, and the wisdom of the Legislature fully justified, in preferring them to Seminaries of higher name; for, during the period of thirty-six years, in which they have been in operation, they have sent forth hundreds of our youth,—many of whom are now eminent in their professions, and would do credit by their talents and acquirements to any Literary Institution.

Representation of the University in the Upper Canada Legislature, 1820.

Though necessarily delayed, the prospect of establishing the University was never lost sight of; for in 1820, when a law was passed to increase the Representation in the Commons House of Assembly, it was among other things provided, that whenever the University was established, it should be represented by one Member.

General Board of Education for Upper Canada established in 1822.

In 1822, his Excellency Sir Peregrine Maitland invited the attention of His Majesty's Government to the unproductive state of the School Lands, and obtained leave to establish a Board for the General Superintendence of Education throughout the Province, and to place at its disposal, for the support of new Grammar Schools where they might be wanted, a portion of the reserved Lands, retaining a sufficient endowment for the University. The duties assigned to this General Board were various and important. All the Schools in the Colony were placed under its care, and the President was required to make occasional visits to the different Districts of the Province, in order to ascertain, on the spot, the actual state of the Common and District Grammar Schools; to correspond with the local authorities respecting Education in their respective vicinities; to recommend proper School Books, and thus introduce uniformity of system through the whole Country. During its short continuance, from 1822 to 1832, the Board was most active and useful; but the Colony increased so rapidly, under the administration of that excellent and amiable Governor, Sir Peregrine Maitland, in wealth and population, that the want of a University became every day more evident; and yet, after it was felt almost universally to be required, even in the opinion of the most indifferent, there was no prospective of a productive endowment. We were greatly discouraged by observing that even the General Board of Education could not, with the most unremitting exertions, dispose of their Lands at any reasonable price; for, so long as the Government continued to confer grants gratuitously on all applicants capable of becoming useful settlers, there were few or no purchasers.

Movement in Favour of a University for Upper Canada.—School Lands Exchanged.

The desire, however, for the University became daily more urgent, and the more respectable inhabitants very justly complained that there was not, in either Province, an English Seminary above the rank of a good School, at which a liberal education could be obtained. And thus the youth of more than three hundred thousand British subjects had no opportunity of receiving instruction in the higher branches of knowledge.

To the necessity of supplying this deficiency, the attention of the Provincial Government was, in 1823, most anxiously directed, and, as an available endowment was the great desideratum, a method of securing one in a very short time was happily discovered. From the first settlement of the Province, two-sevenths of all the Lands in the settled Town-

ships had been reserved,—one for the maintenance of a Protestant Clergy, called Clergy Reserves—the other still remained for special purposes, at the disposal of Government, and were called Crown Reserves. These latter, being still vested in the Crown, had become, in many places, very valuable from the settlement around them, and, if brought into the market, would command reasonable prices, much more than the Lands which had been originally appropriated for the Grammar Schools and University, which had been carelessly selected, and continued, from their remoteness, almost unsaleable. Now, to secure a competent endowment for the University, it was submitted by Sir Peregrine Maitland to His Majesty's Government to exchange a portion of the School Lands for a like quantity of Crown Reserves. For the mere purpose of granting Lots to Settlers, the School Lands were as valuable to the Government as were the Crown Reserves; but such an exchange, if it could be effected, would place at His Excellency's disposal an endowment which might be made almost immediately available for the University.

The Reverend Doctor Strachan's Mission to England in 1826, 1827.

After examining the proposal, Sir Peregrine Maitland gave it his cordial approbation; but, not deeming it within his power to make the exchange without special instructions, he determined to refer the matter to the King's Government, and, at the same time, to apply for a Royal Charter for establishing the University. As local information and many explanations might be required, instead of confining himself to writing on the subject, His Excellency committed the duty to me of soliciting, in person, such Royal Charter and Land endowment.

Entrusted with this agreeable commission, I left Toronto (then York,) on the 16th of March, 1826, and reached London on the 27th of April, and lost no time in bringing the objects of my journey under the notice of His Majesty's Government.

Incidents of Obtaining the Royal Charter for King's College.

It is impossible for me to express in suitable language the gratitude I then felt, and still feel, to the late Lord Bathurst and Sir Robert Wilmot Horton, of the Colonial Office, for the warm interest they took in forwarding the measures I had in view. Nor am I under less obligation to James Stephen, Esquire, at the same time Law Adviser to the Colonial Department, and now Under Secretary of State. Mr. Stephen not only suggested, but assisted me in drawing up, the articles proper to form the basis of the Charter. He was indefatigable in removing difficulties and in meeting objections raised against the principles upon which we deemed it wise to construct the Royal Charter; all of which he could the more easily do, from his great legal knowledge and intimate acquaintance with similar documents. His friendly advice and aid were the more acceptable as they were cordially and readily given.

The Charter of the University of King's College was not hastily settled. It was nearly a whole year under serious deliberation. It was repeatedly referred to the late Archbishop of Canterbury, the Most Reverend Doctor Manners, who doubted the propriety of assenting to an instrument so free and comprehensive in its provisions. It was considered not only the most open Charter for a University that had ever been granted, but the most liberal that could be framed on constitutional principles, and His Majesty's Government declared that, in passing it, they had gone to the utmost limit of concession.

Proceedings in Upper Canada on Obtaining the Royal Charter of 1827.

On my arrival in this Province in 1827 with the Charter and authority for the endowment, the Chancellor, Sir Peregrine Maitland, lost no time in forming the College Council. Schedules of the Lands were prepared, and, in obedience to His Majesty's commands, they were secured by patent to the Corporation of the University of King's College.

In his Speech from the Throne, on the 15th January, 1828, His Excellency informed the Legislature that His Majesty, (King George the Fourth), had been graciously pleased to issue His Letters Patent, bearing date at Westminster, the fifteenth day of March, in the Eighth Year of His Reign, establishing in the Province a College, with the style and privileges of a University—to be called "King's College," to which was annexed a most liberal endowment,—an event which the Lieutenant Governor regarded among those objects which were the most to be desired for the welfare of the Colony. In acknowledging this communication, the Legislative Council expressed their grateful feelings for so valuable a boon; but the House of Assembly returned thanks in very measured terms. It said:

"If the principles upon which it has been founded shall, upon inquiry, prove to be conducive to the advancement of true learning and piety, and friendly to the civil and religious liberty of the people."

Indeed, much pains had been taken, by misrepresentations, to poison the minds of the people against the Charter, and induce them to send Petitions against it . . . . and requesting information respecting endowment, and other matters connected with the Institution; and, on the 20th March, an Address to His Majesty was agreed upon by the House of Assembly, in which objections were urged against the Charter of the University, as being of a nature too exclusive.

This Address attracted the notice of a Select Committee of the House of Commons; and in their Report on the Civil Government of Canada, on the 22nd of July, 1828, they advise a change in the constitution of the College Council, so that no Religious Test may be required, and that a Theological Professor of the Church of Scotland should be established, in addition to that of the Church of England, whose Lectures the Candidates for Holy Orders in the respective Churches should be required to attend.

Proceedings in Regard to the Land Exchange—the £1,000 Grant.

In the meantime, the College Council proceeded to get a minute and accurate inspection of every Lot of the endowment, to enable them to judge of its true value, and to become acquainted with every circumstance concerning it, whether occupied, or otherwise, so that they might do justice to the important trust committed to them, and at the same time act fairly by individuals.

Sir Peregrine Maitland also obtained from the Imperial Government an annuity of One Thousand pounds sterling, (£1,000), out of the proceeds of lands sold to the Canada Company, towards erecting the necessary Buildings for the University. A Site the most eligible that could be procured was selected for the Buildings; Plans and Specifications were under consideration, and everything portended the speedy commencement of the Institution when its great promoter and patron, Sir Peregrine Maitland, was removed to another government.

Sir John Colborne and the University, and the Upper Canada College.

A very few days after Sir John Colborne, now Lord Seaton, assumed the administration of the Colony, he convened the College Council, and acting, it is supposed, under special instructions, stated that no further steps should be taken towards bringing the University into operation. His Excellency's communication was made in terms the most positive; for he declared that one stone should not be put upon another until certain alterations had been made in the Charter; and he utterly refused, as Chancellor, to concur in any measures having for their object the progress of the Institution.

Under the circumstances, thus announced in a manner altogether unusual and not likely to be forgotten, the College Council could but submit, in the earnest hope that a more correct consideration of the subject would lead to a removal of a prohibition for which there was not, in my judgment, and I believe in that of any Member of the Council at that time, adequate cause. . . .

In his Speech to the Legislature, on the 8th January, 1829, Sir John Colborne notices the University very slightly, and only in connection with Upper Canada College; . . . and, on the 20th of March, the House passed various Resolutions modifying the Charter, and presented them with an Address to the Lieutenant Governor, to which his Excellency promised his ready attention.

No farther proceedings appear to have been had regarding the University, until the Session of 1831 and 1832, when another Address to the King was adopted, bearing date the 28th of December, 1831, praying that the Charter of King's College might be cancelled, on account of its exclusiveness, and another granted more open in its provisions. On the 4th of January, 1832, His Excellency replied—

"That he has reason to believe that either the exclusive provisions considered exceptionable in the Charter of King's College have been cancelled,or that such arrangements have been decided upon by His Majesty's Government as will render farther applications on this subject unnecessary; but that a Charter, solemnly given, cannot be revoked, or its surrender obtained, without much delay."

Proposed Surrender of King's College Charter in 1831.

This language evidently alluded to a Despatch from Lord Goderich, now Lord Ripon, which was soon after laid before the College Council, proposing to the Members of the Corporation to surrender the Charter granted by Government, together with the Endowment, on the assurance from the Secretary of State that no part of the Endowment should ever be diverted from the education of youth.

In an able Report, the College Council stated their reasons for refusing compliance with this extraordinary request, and that they did not think it right to concur in surrendering the Charter of King's College, or its Endowment. The College Council farther observed, that they did not feel a sufficient assurance that after they had consented to destroy a College founded by their Sovereign, under as unrestricted and open a Charter as had ever passed the Great Seal of England for a similar purpose, the different Branches of the Legislature would be able to concur in establishing another that would equally secure to the inhabitants of this Colony, through successive generations, the possession of a Seat of Learning, in which sound Religious Instruction should be dispensed, and in which care should be taken to guard against those occasions of instability, dissension and confusion, the foresight of which had led, in our Parent State, to the making an uniformity of Religion in each University throughout the Empire an indispensable feature in its constitution. . . .

The College Council, however, stated that, for the sake of peace, they were disposed to concur in some such modifications, as have been since forced on the Institution by the Legislature; not that they considered them improvements, but because the Government seemed to give them countenance: it being their conviction that a College for the education of youth in the principles of the Christian Religion, as well as in literature and the sciences, is less likely to be useful, and to acquire a lasting and deserved popularity, if its Religious character is left to the discretion of individuals, and to the chance of events, . . than if it is laid broadly and firmly in its foundation by an authority that cannot, with any reason, be questioned.

It would be without profit to enter more minutely into the persevering opposition to the establishment of King's College during the remainder of Sir John Colborne's administration. . . . .

Proceedings of Sir Francis Bond Head, as Chancellor of the University.

Sir Francis B. Head, with that ardent spirit . . . which characterized him, saw the advantage of establishing the University soon after he came to the Government: and, although he could not prevent the Legislature from making some changes in the Charter, (to which the College Council most reluctantly assented), he prevented farther innovations. The Charter having been thus settled, Sir Francis Head readily concurred, as

Chancellor, with the College Council, in adopting the measures necessary for bringing it into operation. But just as the preliminary steps were taken for doing so, the Rebellion of 1837 broke out, and for a time suspended this and many other excellent measures projected. After the suppression of the rebellion, Sir Francis Head resigned the Government, and during the two following short Administrations no proceedings were had respecting the University worthy of notice. . . .

Administrations of Lord Sydenham and of Sir Charles Bagot, 1840-1843.

The short interval which intervened between the death of Lord Sydenham and the arrival of Sir Charles Bagot, was a blank in the history of the University: but no sooner had Sir Charles Bagot assumed the Government than King's College engaged his particular attention. Being himself a scholar and an Oxford University man, he saw, at once, the importance of such a Seminary in a rising Country, and he set his heart upon its immediate establishment. In accordance with his desires on this subject, the first step of his Administration was to come to Toronto and to lay the Foundation Stone.

The Reverend Doctor Strachan's Defence of the Charter of King's College.*

So much obloquy has been thrown upon the Charter of King's College that it cannot be out of place to show that no College exists so little exclusive as King's College would have been, had it been permitted to proceed under its original Constitution. It was open to all denominations of Christians; even the Professors, except those appointed to the Council, were not required to be of the Church of England: it excluded no one from the benefits it offered; and, although it preserved unity of religion in the governing power, it rested on a more liberal basis than any similar institution in Europe, or America. . . .

University Examples Quoted:—Those of England and Scotland.

Of the two great English Universities it is unnecessary to speak, as they are, in truth, interwoven with the glorious Church which blesses that Land. In Scotland, all Schools and Universities are under the special direction and control of the National Church; nor can any thing be taught contrary to, or inconsistent with, her Faith, Worship, Discipline and Government. . . .

University Examples in the United States and Upper and Lower Canada.*

But this system has equally prevailed in all those Literary Institutions of the United States, which have acquired any reputation. . . . Yale College is exclusively Congregational; yet we have never heard that the public has taken offence at this exclusiveness, or that the Legislature of Connecticut has interfered, in any other way, than to confer gifts and honours on the Institution.

Nearer home we find the same exclusive principles prevailing in the different Colleges of Lower Canada. In that Province, there is not only an ample provision for the Roman Catholic parochial Clergy. . . .

Even in this Province, two Colleges have been recently established strictly exclusive; one under the superintendence and authority of the Wesleyan Methodists; the other under the guidance and control of the Church of Scotland. Those Institutions have a decided Religious character, nor will their Governors admit any other Denomination to interfere in any part of their management, or modes of instruction. Nor are they looked upon,—nor ought they to be looked upon,—with jealousy, or dislike. They bear no unequivocal character, and emit no uncertain sound; and those who prefer the education, —secular or religious,— which they offer, are certain of obtaining what they desire. . . .

* In the following example, which Doctor Strachan quotes, he does not mention the fact that the Institutions he names are not endowed by the State, as was King's College, nor is Victoria or Queen's College either.

THE ORIGINAL CHARTER OF KING'S COLLEGE PREFERRED TO THE AMENDED ACT OF 1837.

The same considerations also convince me that had the University been permitted to proceed under the Royal Charter, without alteration, it would have been far more efficient for all the purposes intended, than in its present form. But, so much evil and inconvenience had arisen from continued disputes and delays, that the College Council thought it expedient, in 1837, to concur in some modifications . . . that should not essentially change the character of the University as a Royal Institution, or interfere with the power and dignity which it possesses, as emanating from the Sovereign, and which can be obtained in no other way, and for the loss of which no benefits in the power of the Legislature of this Province to confer would in any degree compensate.

The alterations introduced relate to the governing power,—the removing of tests and qualifications, except a declaration of belief in the authenticity and Divine Inspiration of the Old and New Testament, and in the doctrine of the Holy Trinity. The Sovereign continues Founder and Patron of the University; its endowment remains, and those privileges which distinguish a Royal, from a Provincial, University,—privileges which extend through the British Empire and all its Dependencies. The principle of unity has indeed been broken, but, if the College be hereafter left alone, I feel assured that it will soon diffuse the most precious benefits over the Province.

PROPOSED GENERAL CURRICULUM OF KING'S COLLEGE UNIVERSITY IN 1842.

Having thus touched briefly upon the History of the University of King's College, it only remains to make a very few remarks on the way it proposes to meet the requirements of the Royal Charter, which establishes a College for the education of youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature, which are taught in the Universities of Great Britain and Ireland.

Such requirements embrace all useful knowledge,—Classical Literature, Mathematical and Physical Science, Mental Philosophy, Law, and the Healing Art, in all their various departments; and they are all, as the Charter provides, to be based on our Holy Religion, which ought indeed to be the beginning and the end of education in a Christian Country. It is, at the same time, to be observed, that, in the communication of Divine Instruction, special care will be taken, by the proper authorities, to prevent any undue interference with those students who do not belong to the Church of England. No step will be permitted that is not in accordance with the provisions and intentions of the Amended Charter; nor will a faithful adherence to the limitations which they contain be found in practice so difficult as many are disposed to imagine.

Parents, not of the Church of England, have a right to expect that their children, who come for instruction at this Institution, shall not be tampered with in matters of Religion; and such a right will be conscientiously respected. Dispensations will be given from attending Chapel to all those pupils whose Parents and Guardians require them. The Religious Teaching of the undergraduates will be confined to a thorough knowledge of the Holy Scriptures in their original languages, and to the study of such works as Butler's Analogy, Paley's Evidences, his Natural Theology; and none will be admitted that are not read and admired by all Denominations of Christians, and which are necessary for the different examinations.

When students have finished their regular course, and proceeded to their Degree, such as design to study for the Ministry of the Church of England, they will place themselves more especially under the Professor of Theology, while the youth of other Denominations will depart to prepare for their respective professions.

GENERAL CONCLUDING REMARKS OF DOCTOR STRACHAN, AS PRESIDENT OF KING'S COLLEGE.

Never was the demand for education so loud and anxious throughout the civilized world as at present; but in this Colony it may be said to be only commencing. In older Countries, where Seminaries of Learning have been established for centuries, the

machinery exists; and it is easy to keep pace with the march of intellect, by the addition of Professors and Teachers, when any new subject appears of sufficient importance to require them. In this manner, the Universities of Europe preserve their superior rank, and add daily to a debt of gratitude which the public can never repay. And, although some of the discoveries of modern times, in the arts and sciences,—more especially in Mechanics,—cannot be traced to them, yet the more important certainly may; and, what is of still more consequence, they have uniformly maintained the dignity of Classical, as well as Scientific, attainments. It requires the aid and protection of established seats of learning to give, as it were, a lasting basis to useful knowledge, and ensure its gradual accumulation. In all these respects, the Universities of Europe, and more especially of Great Britain, have nobly discharged their duty. They have not only been the fruitful nurseries of all the Learned Professions, which adorn and maintain society, but they have also been the asylums of learned leisure, where men, who had no taste for the cares and broils of worldly pursuits, might retire from the troubles of public life, and aspire to greater perfection than even an ordinary intercourse with society will allow. Many such, in their solitary chambers, have attained the highest elevation in science, or, by their powerful writings, have brought home to our hearts and understandings the truths and discoveries of Christianity, and thus have become the instructors and benefactors of mankind.

It is for these, among other purposes, that this Institution has been established. And why should it not in its turn become one of those blessed asylums where men of retired habits may taste the sweets of society, and yet converse with the illustrious dead, who in past ages have illuminated the world?

Here among our youth we may confidently look for generous emulation,—a noble desire for honest fame,—an ardent love for truth,—and a determination to surpass in knowledge and virtue the most sanguine hopes of their friends and parents.

In this Institution many holy aspirations will doubtless arise in minds yet untainted, and which, by Divine grace, shall become a panoply to protect them through life, against all the temptations that can assail them. And the time will come, when we, too, can look back to our own line of celebrated men, brought up at this Seminary, and whose character and attainments shall cast a glory around it, and become, as it were, the genius of the Institution.

Is there an ingenuous youth now present, of quick sensibility and lively ambition, who does not cherish in his imagination the hope that he may become one of those whom in future times this University will delight to honour as one of her favorite sons? Why should he not? He is in the enjoyment of the same advantages, pursuing the same paths of knowledge, which enabled so many in former times to soar to the more elevated height of literary fame.

The Modern Educational Theories are not Sound, or Practical.

I am aware that, in this age of high pretension, some affect to despise the proceedings of our ancestors, and more especially their methods of training up the rising generation in the way they should go. Instead of acting on Religious principles and considerations, in educating youth, as was the custom of our forefathers, and their prevailing motive for establishing Colleges and Seminaries, such modern promoters of innovation set aside Religion, and stifle that voice which bids us prepare for the concerns of eternity, that all our energies may be devoted to the things of time and its perishing interests. They value nothing beyond the confines of this world, and deal with youth as if all their impulses were good, and all their dislikes preservatives from evil. Such a course betrays a lamentable ignorance of human nature. The true system of education,—and God grant that it may speedily regain through all Christendom its former influence,—is founded on a wiser estimate of the natural indisposition of every child born in the world to cultivate those tastes which best become us, as dependent and immortal beings.

We need not fear any deficiency in the cultivation of such arts as lead to the gratification of luxury and refinement,—to the accumulation of wealth and the establishment of power.

All feel that the demands made by the senses are so constant and imperious that they require little or no special encouragement. But, in this Institution, our chief care will, it is hoped, ever be to cherish and strengthen in our youth those principles and affections which give our finite being wings to soar above this transitory scene, and energy to that mental vision which shall enable them to look with confidence on the glories of the spiritual, when this our material world is vanishing rapidly away.

Exclusive as it was, Doctor Strachan tells us in his Address, that it was the most liberal that had ever passed the Great Seal. He says:

The Charter of the University of King's College was not hastily settled. It was nearly a whole year under serious deliberation. It was repeatedly referred to the . . . Archbishop of Canterbury . . . who doubted the propriety of assenting to an Instrument so free and so comprehensive in its provisions.

It was considered, not only the most open Charter that had ever been granted, but the most liberal that could be framed on Constitutional principles; and His Majesty's Government declared that, in passing it, they had gone to the utmost limit of concession.

The Charter of King's College University was granted on the 15th of March, 1827. It is difficult to transport one's self back to those times; and much more so to the political and administrative atmosphere of the Colonial Office in Downing Street, when the rights of the Colonies to self-government—as we understand them to-day—were not fully acknowledged.

Even, nearly ten years afterwards, Doctor Ryerson encountered serious obstacles—technical and otherwise—in obtaining a similar Royal Charter for the Upper Canada Academy at Cobourg. Doctor Strachan was not personally responsible for the most objectional denominational features of the Royal Charter of King's College. The Reverend Doctor Bethune, his Successor in the See of Toronto, tells us, in his *Memoirs of Bishop Strachan,* that:

To the writer of these pages—the Memoir of Bishop Strachan—Doctor Strachan himself affirmed, on his return from England, that he had expressed to Lord Bathurst, (Colonial Secretary,) his objection to certain parts of the Charter; and he stated also his doubts as to whether it was judicious to require from Members of the College Council, subscription to the Thirty-nine Articles of the Church of England. *Memoir of Bishop Strachan, page* 110.

One can scarcely read this Address of the President of King's College without a feeling of personal sympathy for the heroic Old Man, who all these years, from 1827 to 1843, had endured a good deal of odium for a Charter—based, indeed, on purely denominational lines—but which, had his advice and counsel to the Colonial Secretary been taken, would have had eliminated from it, at the beginning, some of the most objectionable of its features.*

First Convocation of King's College University, 1844.

The following account of the First Convocation of King's College is abridged from *The Patriot* newspaper at Toronto, edited by Mr. Thomas Dalton, a well known local journalist:

* I have inserted on another page a copy of the original Royal Charter with many modifications in its terms, which were made in it by Doctor Strachan before it went into actual operation.

On Friday, December the 20th, 1844, the first open meeting of Convocation of King's College was held in the temporary University Building. The Hall presented one of the most gratifying scenes ever beheld in the Province. On the Dais were seated the Authorities of the University, in full academic costumes. In the centre, on the elevated platform, was the Right Reverend Doctor Strachan, Bishop of Toronto, as President of the University, on whom, in the absence of His Excellency Lord Metcalfe, the Governor-General and Chancellor of the University, the duty devolved of conferring the Degrees.

The Chair appropriated for the President remained vacant, as that Officer occupied the Chancellor's seat. On his left was the Vice-President, the Reverend Doctor M'Caul. In front, sat the Proctors, the Reverend Doctor Beaven and Professor Croft, while the other Professors were ranged in seats, on either side, extending to the front of the Dais, with Benches immediately behind them for the Graduates, who were entitled to places in Convocation. On the extreme right was the Registrar's desk, and in a corresponding situation on the left was a Lectern, for the recitation of the Prize Compositions. On either side of the Dais, tiers of seats were placed for the accommodation of the Students, of whom a goodly number were present; and in front, within an enclosed space, places were reserved for the Visitors, *ex-officio* Members of the King's College Council, etcetera. The rest of the spacious Hall, including the Gallery, was filled by a most respectable audience: the *coup d'oeil* was most attractive and imposing. On the Dais the sombre furniture was relieved by the scarlet and pink and blue worn by the Professors, according to their degrees, and beautifully contrasted with the grave black which was the predominant colour elsewhere. Five Degrees were conferred, and Four Prize Compositions were recited. Appropriate addresses were made by the University Dignitaries present.

SCHEMES FOR A PRACTICAL SETTLEMENT, ON A SCHOLASTIC BASIS, OF THE UNIVERSITY QUESTION.

In these early days of University experience, public attention was more concentrated on the Pacific settlement of the University Question than on its practical adjustment from an educational, or scholastic, point of view. That point of view was not, however, lost sight of by those who had to do with it in that form. The Right Reverend Bishop Strachan, from his University experience in Scotland, was requested by the King's College Council to submit some such scheme on which the College could be conducted in the future. This he did in the following form:

1. *First*, as regards Instruction. The scheme, which I submit, is predicated on the most extensive basis, and embraces in its wide range all the Sciences, and the more important Arts. In the distribution of the different Departments, it is hoped that each has a dependence on that which immediately precedes it, and that individual Sciences naturally arrange themselves under some one of the more general divisions. The Council is aware, that for some years the number of Students will be very limited, and that during such period, Professors for each particular Science will not be necessary. In accordance with this view, the Scheme is divided into Departments, to be placed under one, or more, Professors. The Professors and Lecturers to be multiplied, as the improving resources and increase of Pupils may warrant and require.

The General Plan of Instruction in the University.

2. It is presumed that the whole plan of instruction may be conveniently distributed under six divisions, as follows:—

(1) Classical and Modern Literature.—This embraces the Greek and Latin Languages; Ancient History; Ancient and Modern Geography; Chronology and Antiquities;

Modern Literature, English and Foreign; Modern History; Rhetoric; Grammar; Composition; Style; and Modern History.—Two Professors.

(2) Physics.—Mathematics, mixed and pure; Natural and Mechanical Philosophy; Application of Science to the Arts; Astronomy; Modern Geography, etcetera.—Two Professors.

(3) Mental Philosophy.—Moral and Intellectual Philosophy; Christian Ethics, and Political Economy.—The President.

(4) Theology.—Hebrew and Oriental Languages; Natural and Revealed Religion, etc., etc.—(This Department may remain at present in abeyance.)

(5) Jurisprudence.—Law of Nature, and of Nations; Civil, English and Constitutional Law; History and Principles of the British Constitution.—One Lecturer.

(6) Medicine.—Chemistry, with Geology and Mineralogy; Anatomy and Physiology; the Theory and Practice of Physic; and the Principles and Practice of Surgery; Materia Medica, Therapeutics and Botany, with Midwifery, and Diseases of Women and Children. —One Professor, and Three Lecturers.

3. In drawing up this plan of instruction, I have availed myself of a statement of the arrangements for conducting the various Departments of King's College, London, as they appear to agree much better with the requirements of this Country, than those of the more ancient Universities of England. I have, at the same time, examined the methods adopted in the Scotch and American Universities, and introduced such useful hints as they appeared to suggest, so that when the flourishing state of the funds shall permit, and the increasing youth of the Province require the whole scheme to be carried out in its full vigour, the University of King's College will equal, in the means of instruction, the most favoured Institutions in the Mother Country.

4. The Regular Course of Education is properly comprised in the three first Departments, including Chemistry, Geology and Mineralogy, (from the sixth Department.) Those of Jurisprudence and Medicine, being rather of a Professional character, will be conducted by Professional Men not residing within the University, (the Professor of Chemistry excepted,) and at fixed hours, and without any great interruption to their Practice in this City.

5. Besides general superintendence, it is proposed to make the services of the President available for the Professorship of Moral and Intellectual Philosophy, with Christian Ethics and Political Economy; it will likewise be his duty to instruct such students as belong to the established Church (of England,) in Christian Theology.

6. The Five Professors, as well as the President, will have to give three, or four, Courses of Lectures each; but, as their Pupils will not be numerous for some time, the labour will not be so great as, on a slight view, might be anticipated.

7 and 8. Estimated Receipts and Expenditures of the University of King's College. (NOTE.—These being variable with each year, they are not here inserted.)

9. Before the University can go satisfactorily into operation a considerable Library should be formed, containing especially Books on the various branches to be taught, that both Professors and Students may have ready and effectual means of reference.

10. An extensive Apparatus for experiments in Natural and Chemical Philosophy, and instruction in the Arts, is absolutely necessary; likewise Instruments and preparations for the Medical Department. An appropriation of Seven or Eight Thousand pounds (£7,000 or £8,000) will be required for these several purposes.

11. *Second*—Erection of Buildings.—I would respectfully recommend the immediate erection of part of the College Buildings, after adopting a proper Plan, to be gradually completed; for, without such an accommodation, it would be impossible to enforce good discipline and regularity among the Students. . . .*

* I have omitted the rest of this elaborate scheme, as it deals with a number of details which are special and local, rather than general, in their character.

The Reverend Doctor McCaul's Plans for the Settlement of the University Question.

If all Denominations are to be placed on a footing of equality, both *de jure* and *de facto*,—one of two plans must be adopted. Either all Tests and Declarations, and, with them, all forms of Religious Instruction, must be abolished, ... in the University, or all Denominations must be adequately represented, not merely amongst the Professors, but in the Governing Body, which is obviously impracticable. . . .

Another essential to the fulfilment of this condition is, that the University should be so constituted as to secure the greatest efficiency in its operation, and the more successful attainment of its object.

As the efficiency of its operation must depend, almost wholly, on its government, the question which presents itself here is,—according to what principle should the Governing Body be constituted? The plan which has been suggested, of rendering it an assembly of the Representatives of the different Religious Denominations which it is proposed to combine under one University, is liable to the fatal objection, that the unity of purpose and action, which is essential to the good government of the Institution, can never exist under such a system.

There should be not merely qualified Instructors, but a sufficient number of them; and the Library, Museum, Apparatus, etcetera, should be on an adequate scale. . . .

Here, it may be urged, is the strong argument in favour of having but one University; for it cannot be denied that resources can be more easily provided for one than for several of such Institutions. . . .*

But it may be said, centralization is absolutely necessary; and to this necessity all other considerations must yield. . . . Under existing circumstances, to support, in efficient and successful operation, more than one School of Medicine, and one of Law, yet this admission should undoubtedly not be extended to Schools of Arts and Divinity. . . .

Frequent changes are injurious to any Establishment, but ruinous to a University. It is impossible that the objects of such an Institution can be attained, if it be subject to repeated changes and modification.

Alterations, if often introduced, even by its own Authorities, are most prejudicial to its welfare; but the very anticipation of external interference in its management would produce the most mischievous effects: "Non solum adventus mali, sed etiam metus ipse affert calamitatem."

Repose is absolutely essential to its success; if disturbed, or even liable to be disturbed, it must fail. . . .

Some propose that there shall be but one University; others, several; and the enquiry into which the Legislature will be required to enter . . . is, which of these propositions is the more practicable, and which the more likely to be beneficial to the community? . . .

The "Master of Arts," [who has written the Kingston Pamphlet entitled "Thoughts on the University Question"] . . . proposes a definite plan for the construction of the University Council, but only as to the Members who are to compose it. . . .

The plan, then, which the Writer of these pages would submit, as, in his judgment, the best which can be adopted, under the circumstances, is to leave the Endowment of King's College untouched, and to provide endowments from the Crown Lands, and residue of the Clergy Reserves, for the other Universities of Victoria and Queen's at present existing, and also for those which may hereafter be established by Royal Charter. . . .

What are the superior advantages which characterise this plan?

* Doctor McCaul proceeds to discuss several matters connected with the details of University organization and management, which are not necessary to reproduce. I give only his practical suggestions as to the details of the "Plan" which he suggests.

Firstly, It not only does not place any of the existing Universities in a worse position than at present, but it ensures an improvement in their circumstances. Peace would more than compensate King's College for the additional expenditure thus imposed on her.

Secondly, It does not require a violation of the principles of justice, or constitutional law.

Thirdly. It neither gives an unfair superiority to Victoria College, by leaving it as the only University having a distinctive Religious character, nor yet injures it by forcing the abandonment of its present Buildings at Cobourg.

Fourthly, It effectually prevents any combination of the Church of England and the Church of Scotland, or any establishment of a joint supremacy, whereby the other Denominations would feel themselves aggrieved, and might actually be wholly excluded.

Fifthly, It would not debar the Church of Rome from the benefits of University Education, as she might have a University under her own control; and would not establish a precedent, whereby the security of her property in the Lower Province would be endangered.

Sixthly, It would distribute through the Province the advantages which a University brings to the place, in which it is situated, and to the whole neighbourhood in its vicinity, instead of securing a monopoly of these to any one Town, or District. It would render the blessings of University Education more easily and cheaply accessible to a greater number of the community.

Seventhly, It would remove all difficulties as to the formation of the Convocation, or College Council; for each University would be governed according to its own Statutes. . . . There are three Universities, and they must be either consolidated, or maintained as they are. If the choice, then, lies between these alternatives, the first being unjust, unconstitutional, impracticable, and unsatisfactory, and the latter being only very expensive, there can be no doubt which should be preferred.

"Fiat justitia ruat cælum" is a true, though a trite, maxim, and has never been neglected with benefit either by individuals, or by nations. . . .

The Reverend Peter Colin Campbell's "Thoughts and Suggestions on the University Question," 1845.

In the preceding Pamphlet, written by the Reverend Doctor McCaul, he has referred to the Pamphlet published in Kingston, early in the year 1845, in which his own was published.*

In the beginning of his Pamphlet Mr. Campbell said:

Among the subjects which must unavoidably engage the attention of the Legislature during its present Session, not one, probably, is regarded by all parties as equalling in importance that of the great public University of Western Canada—King's College in Toronto.

The Great Importance of the Right Settlement of the University Question.

Wherein consists this importance? Not solely in the fact, proved by the numerous Petitions presented to the last and to the present Parliament, that there is a loud cry for legislation on the subject.

Nor, secondly, in the mere fact that a public Endowment, . . . by no means too large in proportion to its object, and the reasonable prospects of the Colony—is at stake; and, that it is, *prima facie*, unjust, as well as inexpedient, that the benefits of this—the

* The full Title of this Pamphlet is: "Thoughts on the University Question. Respectfully submitted to the Members of both Houses of the Legislature of Canada. By a Master of Arts." Kingston, 1845, (36 pages.)

only adequate appropriation for a University, set apart out of the public resources of Canada West, should be confined to a single Denomination, which, however respectable it may be, numbers, on its own admission, probably not above a fifth of the population of Upper Canada. . . .

The public man, who to upright intentions and impartiality unites unhappily the defect of limited views, and an imperfect acquaintance with the nature and extent of the results involved in the settlement of the University Question, will probably look no further than the latter. . . .

But the Statesman, possessed at once of liberal principles, pure notions, and enlarged views of the subject, and the future welfare of the Country, as connected with it, will see, in this University Question, elements of a nature far transcending that of those which enter into ordinary topics of public interest. Irrespectively altogether of the excitement which the Question has produced, and the large pecuniary conditions involved, he will perceive in it an importance entitling it to no ordinary amount of thought and exertion.

What, to Upper Canada, is Involved in the Settlement of the University Question?

Wherein, then, lies its real and peculiar importance?

In this—that it is a question, the prospective bearings of which, on the most vital interests of the community, are beyond all calculation, greater than those of any other subject with which the Legislature has at this time to deal. The matter in hand is nothing less than the framing of the mould in which are to be cast the minds of our future Statesmen and Legislators, Divines and Instructors of Youth, Lawyers and Physicians:—the minds which, come what may, will form the intellectual and moral, as well as the constituted power of the land, and exercise over our descendants that irresistible influence which is the inalienable possession of superior knowledge. It is nothing less than this,—how are we to place, and into what hands are we to put, a lever which will hereafter move, for weal or woe, the whole social mass of Upper Canada? Is this mould to be constructed of such capacity as to receive and fashion the ingenuous spirits of our children, to whatever section they may belong, for the common good, or is it to be a costly instrument, provided at the public expense, for the benefit of a few, to shape and harden the rising genius and talent of the Country into the rigidity of party? Is this lever to be entrusted to irresponsible hands, or jointly committed to those who are all alike deeply interested in the application of its incalculable power? This is the question. . . .

Note.—Mr. Campbell proceeds to discuss at length the inexpediency of dividing the enactment of King's College among the other Colleges, or of endowing them with public funds. He then continues as follows:

The Practical Question of "What is a University?" Answered.

What is a University? Not a mere Charter, and Endowment, and a staff of Teachers in various branches of Arts and Science—not a mere *infundibulum* of knowledge, of this and that kind, into the intellect and receptacles of the memory—but a miniature world—a commonwealth of varied dispositions and tastes and talents, in which a man is not merely taught to know, but trained and stimulated, amid the multitude of his fellows, to reason, and to act, and to excel in all matters intellectual and moral—in which, not more by the instructions of qualified Preceptors than by the inspiriting contact of other minds, engaged in friendly rivalry in similar pursuits, the early spark of talent is kindled—the individual capacity experimentally ascertained and strengthened—the erratic bent of individual taste and genius restrained and beneficially directed—the energy of the individual will repressed where excessive, and invigorated where weak—the timidity and self-distrust, which are not seldom the natural accompaniments of the finest powers, and the presumption as often attendant on limited abilities, alike worn off before the period of public action, and with infinitely less cost and pain than in the ruder

school of worldly experience—where, in short, by the play and action of mind upon mind, the future guardians of man's best interests are led each to know, in some measure, practically, his appropriate part ere he comes forth to perform it—and where all this goes on under the direction and example of the learned, the wise, and the pious.

THE SYSTEM OF SEPARATE UNIVERSITIES IN OUR THINLY SETTLED COUNTRY DEPRECATED.

And how is this great object to be realized in a thinly peopled Country like ours, by the system of separate Universities? Let us do all we can to concentrate the matured and nascent talent of the Province. Many years must pass by before we can possibly have in Canada West a University possessing that great essential to efficiency—a sufficiency of Students under a corps of Teachers enabled, by a proper division of the branches of science, fully to do them justice. . . .

To delay to legislate in such a manner in this Country, as shall, if possible, bring these [Students and Instructors] together, is . . . to neglect the true interests of learning. . . .

THE DUTY OF OUR LEGISLATORS ON THIS QUESTION STATED AND ENFORCED.

How incomparably more wise and noble were it for the Legislature of this rising Country, viewing this University Question in the light of futurity, to provide, if possible, in its settlement, . . . and for the extinction of our differences; or for the gradual amelioration of the spirit by which, in our day, these differences are embittered! . . . We may surely remind our Legislators that Providence, by the peculiarity of the times and difficulties amid which it has called them to act, and by the power which it has placed in their hands of providing for the abatement, or the increase, of these difficulties in after days, has assigned them a post of no ordinary responsibility and honour. . . . Now they can provide for the consolidation of the inhabitants of this Land, (whose origin and views are so various,) into one friendly and harmonious people, by establishing the Provincial University on such a footing as to ensure the confidence and support of all sections of the inhabitants, and making it their delight and interest to commit their sons, in one body, to its care. . . .

UNIVERSITY BILLS INTRODUCED INTO THE LEGISLATURE WHICH FAILED TO PASS, 1832-1851.

The following is a list of the University Bills which were introduced into the Legislature, but which failed to pass:

1832.—Revised University Charter Bill. Proposed by a Select Committee of the House of Assembly.

1835.—Bill to amend the Charter of King's College, by a Select Committee of the House of Assembly.

(NOTE.—A Bill to amend the Charter was passed in 1838.)

1843.—Bill to Provide for the Separate Exercise of the Collegiate and University Functions of King's College. By the Honourable Robert Baldwin.

1845.—Bill for Erecting a University by the Name and Style of the University of Upper Canada. By the Honourable W. H. Draper.

1845.—Bill to Repeal a Certain Act therein mentioned, and to alter and amend the Charter of King's College. By the Honourable W. H. Draper.

1845.—Bill to vest the Endowment granted by the Crown for University Education in Upper Canada in the University of Upper Canada, and for other Purposes. By the Honourable W. H. Draper.

1846.—A Bill for Erecting a University by the Name and Style of the University of Upper Canada. By Mr. George B. Hall.

(NOTE.—This Bill was practically a copy of the first one of the Honourable W. H. Draper.)

1847.—Bill to Repeal a Certain Act [of 1837] therein mentioned, and to Alter and Amend the Charter of the University of King's College. By the Honourable John A. Macdonald.

(NOTE.—This Bill is founded on one of the University Bills of the Honourable W. H. Draper, with the same title, but somewhat different from it.)

1849.—(NOTE.—An Act was passed to Amend the Charter of the University of Toronto established by His Majesty King George the Fourth. It was introduced into the House of Assembly by the Honourable Robert Baldwin, and was based upon his abortive University Bill of 1843.)

1851.—Bill to Amend the Charter of the University of Toronto. By the Honourable Henry Sherwood.

1851.—Bill to Amend the Charter of the University of Toronto, and to Constitute "The University of Upper Canada." By Mr. William Boulton.

1852.—Bill to Amend the Laws relating to the University of Toronto, by Separating its Functions, as a University, from those assigned to it as a College, and by making Better Provision for the Management of the Property thereof, and that of Upper Canada College. By the Honourable Francis Hincks.

1852.—Bill for the Establishment of an University and the Promotion of a System of Liberal and General Education in Upper Canada. By the Reverend Doctor Ryerson.

THE BALDWIN UNIVERSITY BILL OF 1843.

PROCEEDINGS WHICH LED TO THE PREPARATION OF THIS BILL.

The legislation of 1837, which resulted in the passage of the Act, 7th William IV, Chapter XVI, to amend the Royal Charter of King's College, granted in 1827, allayed for a time the agitation against the exclusive character of the Charter, which during the preceding ten years had been kept up by the public with ever increasing vigour.

The claim urged by the promoters of Queen's College, Kingston, for the appointment, in King's College, Toronto, of a Presbyterian Professor of Theology, as recommended by a Committee of the Imperial Legislature in 1828, or, as an equivalent, for the endowment of a Chair of Presbyterian Theology in Queen's College itself, had its effect in keeping alive the subject of University Education in Upper Canada down to the time of the Union of the Provinces of Upper and Lower Canada, in 1840, and the Meetings of the Legislature of the newly united Provinces in 1841 and 1842.

In the meantime, active members of the Presbyterian Church of Scotland, and of other Churches, consulted together, and, at length, a generally satisfactory agreement was arrived at among them and communicated to the Honourable Robert Baldwin, the promoter of the projected Bill, in the House of Assembly.

Text of the Baldwin University Bill of 1843.

Explanatory Note.—I have not inserted the text of the Baldwin University Bill of 1843. It is a very voluminous one, and extends to one hundred and two Sections. The following analysis, however, gives a very complete bird's-eye view of its design and the character of its details. It was to some extent embodied in the Baldwin Act, which was passed in 1849, and which was more or less modified and improved as it passed through the Legislature.*

Analysis of the Baldwin University Bill of 1843.

The Bill extends to one hundred and two Sections. The following is an Analysis of it:

A.—*General Title of the Bill.*

B.—*The Preamble*: Division of King's College into the University of Toronto—King's College to form part of that University.

C.—*Separation of the University proper from the Collegiate part of the University of Toronto; and the establishment of a Royal Collegiate Grammar School, in dependence upon the University.*

2. University functions, etcetera, of the King's College transferred to the University of Toronto.

3. University functions, etcetera, of all the other Colleges in Upper Canada transferred in like manner to the University of Toronto.

4. Abolition of the office of Chancellor, Vice-Chancellor and all other University Officers in all of such Colleges.

5. Upper Canada College incorporated as a Royal Collegiate High School, in connection with and dependent upon the University of Toronto.

D.—*Organization of the University of Toronto and of the Royal Collegiate Grammar School.*

I. *The University of Toronto and its corporate powers.*

6. The University to consist of King's College, Regiopolis College, Queen's College, Victoria College, and of the Royal Collegiate High Schools as a dependency, and of such other Colleges as may hereafter be established.

7. The University of Toronto incorporated under the name of the Chancellor, Masters and Scholars of the University of Toronto, with power of holding land in mortmain and of possessing all other usual corporate powers.

II. *The Executive Management of the University.*

8. The University of Toronto to have a Chancellor and Vice-Chancellor.

9. Of whom the Caput of the University is to consist.

10. The Governor of the Province to be Chancellor of the University, *ex-officio*.

11. The Vice-Chancellor to be elected annually by the Convocation from the Heads of Colleges and of the Professors on the foundation of the University.

12. In the absence of the Chancellor and Vice-Chancellor, or when there is no Vice-Chancellor, the Senior Member of the Caput is to perform the duties of Vice-Chancellor, under name of the Pro Vice-Chancellor.

* The Baldwin University Act of 1849 is printed in detail, with the modification made in it by the Legislature, on pages 147-166 of the Eighth Volume of The Documentary History of Education in Upper Canada (Ontario).

13. The members of the Caput, except the Chancellor and Vice-Chancellor, are to be appointed annually by the different Colleges and Faculties.

14. The Executive Management of the University to be vested in the Chancellor, Vice-Chancellor and Caput.

III. *The Legislative Powers of the University—how exercised.*

15. Legislative powers to be vested in the Chancellor and Convocation.

16. Convocation to consist of Heads of Colleges, Professors, Masters of Arts, and persons having any Degree in Divinity, Law, or Medicine, and continuing themselves on the Books of the University.

IV. *The Control of the University to be by means of an Extra-mural Body, consisting principally of Lay Members.*

17. The establishment of a Board of Control, to consist of certain *ex-officio* and twenty other Members, to be appointed in the first instance by the Governor-in-Council, upon the recommendation of the Board itself.

18. The Board of Control, how summoned,—who shall preside, the quorum, and the power of adjournment.

V. *The manner of passing University Statutes.*

19. By-laws to be proposed by the Caput to the Board of Control, and, if approved by the Board, to be submitted by the Caput to Convocation, and, if passed by Convocation, then to be presented to the Chancellor for his assent, and, upon his assent being given, to become a Statute of the University.

20. Any amendments proposed by the Convocation to be returned to the Caput.

21. No Draft of any By-law to be approved by the Board of Control, until considered at two meetings to be held on different days.

22. No Draft of any By-law to be finally passed by Convocation until considered and approved of at two several Convocations to be held on two different days.

23. The Queen, may, within two years, disallow any Statute; which disallowance shall operate as a repeal of the Statute.

VI. *Who shall be Visitors of the University.*

24. The Judges of Her Majesty's Courts of Law and Equity, having general jurisdiction throughout Upper Canada, to be Visitors to the University.

VII. *Educational Machinery of the University.*

25. To be of such Professorships, Lectureships, and Teacherships as may be established by Statute of the University, one of them to be a Professorship of Agriculture.

26. Professors, Lecturers and Teachers to be appointed by the Chancellor, on the recommendation of a majority of Members of the Board of Control.

27. The Professors on the foundation of particular Colleges are not to be deemed, by virtue of such Professorships, as Professors within the meaning of the 9th, 11th and 16th Sections of this Act.

28. Additional duties may be attached to any Professorship by a Statute of the University, without any claim for additional allowance in respect of such duties.

29. The University to make special provision, by Statute, for discipline and the superintendence of all Persons matriculated in the University, but not on the Books of any particular College.

VIII. *The Establishment of Independent Colleges, and their Incorporation with the University.*

30. Upon any Person conveying an amount of property to Trustees, in Trust for any College intended to be erected, sufficient to secure an annual Income equivalent to

the value of one thousand bushels of Wheat, and producing a Certificate from the Board of Control of their having done so, the Crown may, by Letters Patent, incorporate such College with the University.

31. Persons thus founding Colleges with Professorships of Divinity, may impose Religious, and other, Tests, at their discretion.

IX. *The conferring of University Degrees.*

32. Degrees are to be conferred by Convocation by Diploma.

33. Six Examiners for Degrees are to be appointed annually by the Chancellor, on the recommendation of the Board of Control.

34. No Degree, except Honourary Degrees and Degrees in Divinity, to be conferred but upon a Certificate of qualification from Examiners.

35. Upon production, by any person having a Degree in the University, of a Certificate of qualification from any College of the University having a Professor of Divinity on its foundation the Convocation is bound to confer on the party the Degree designated by such Certificate.

X. *Property of the University of Toronto.*

36. The Property of the University to be vested in the Corporation of the Chancellor, Masters and Scholars thereof.

37. The Chancellor, Masters and Scholars of the University to have power to sue for all debts, etcetera, due to the University, by whatever name.

38. The Chancellor, Masters and Scholars of the University, to be liable to all debts, etcetera, contracted by the University, by whatever name.

XI. *The Fiscal Affairs of the University.*

39. The Fiscal to be the same as the Calendar year.

40. All Salaries to be payable quarterly.

41. None of the Real Property of University and none of the invested property, to be sold, or otherwise applied, except by Statute of the University.

42. Duty of the Chancellor, etcetera, to insure Buildings belonging to University, at such amount as may be approved by the Board of Control.

43. The Proceeds of the Sales of Waste Lands investments to be paid off, and the surplus of the annual Income, over Expenditure, to form the "University Investment Fund,"—the moneys of which to be invested in Government, or Landed, Securities.

44. The Annual Income of the University from Fees, Rents, Interest, Dividends and General Donations and Subscriptions, to form the "University Income Fund,"—the moneys of which are to be applied, as provided in next section.

45. The "University Income Fund" to be charged with,—(1st,) The payment of the expenses of collection; (2nd,) the payment of Taxes, Insurance and expenses of repairs; (3rd,) payment of the Salaries of superior Officers, as the Bursar, Lecturers and other Teachers, not Professors, and the subordinate Officers; (4th,) Incidental expenses; (5th,) Salaries of Vice-Chancellor and Professors; and (6th,) Special appropriations.

With proviso.—(1st,) That the surplus, after the satisfaction of three first charges of one year, to be alone applicable to satisfaction of three last charges of next year; (2nd,) In the event of such Balance falling short, the amount of the deficiency to be deducted from all the Salaries, constituting the fifth charge for such next year, by proportionate quarterly deductions; (3rd,) Incumbents, to have no claims to have such deficiency made good.

46. The Annual surplus, if any, of the "University Income Fund" to be carried to the credit of the "Investment Fund," and invested with the other moneys of that Fund.

XII. *The Royal Collegiate High School; (Upper Canada College).*

47. The Collegiate High School to be incorporated, under the name of "the Principal, Tutors and Scholars of the Royal Collegiate High School of the University of Toronto," with power to hold in Mortmain and to have all other usual corporate powers.

48. Principal of the Collegiate High School to be appointed by the Chancellor of the University, on the recommendation of the Caput of the University.

49. The Vice-Principal, Tutors, etcetera, of the Royal Collegiate High School to be appointed by the Caput of the University,—with the approval of the Board of Control.

50. The Council of the Collegiate High School to consist of Principal, Vice-Principal, and Tutors, who, with approval of the Caput of the University, may make rules, etcetera, for the Collegiate School, subject to be over-ruled by a Statute of the University.

51. The Property of the Royal Collegiate High School to be vested in the Corporation of the Principal, Tutors and Scholars thereof.

52. The Principal, Tutors and Scholars of the High School to have power to sue for all Fees, debts, etcetera, due to Upper Canada College, by whatever name.

53. The Principal, Tutors and Scholars of the High School to be liable to all debts, etcetera, contracted by, or on behalf of, Upper Canada College.

54. The Fiscal year and the periods of payment of Salaries to be the same with those of the University.

55. The Salaries of the Principal, Vice-Principal, Tutors, and others to be fixed by direction of the Collegiate High School Council and confirmed by a Statute of the University.

56. The Fiscal affairs of the Collegiate High School to be conducted and managed by the Bursar of the University, under the like management and direction, as are those of University—the Bursar at all times giving information to the Collegiate High School Council of the state of funds, etcetera.

57. None of the real property of the Collegiate High School and none of the invested property is to be sold except by direction of the High School Council, confirmed by a Statute of the University.

58. The Duty of University to keep the Buildings of the Collegiate High School insured, out of the funds of the High School, to an amount as approved by the Council of High School.

59. The proceeds of the sales of waste Lands, investments to be paid off; and the surplus of the amount of income to form the "Collegiate High School Investment Fund" —the moneys of which are to be invested in Government or Landed Securities, as approved by the Council of the High School.

60. The Annual Income of the Collegiate High School, from Fees, rents, interest, dividends and general donations and subscriptions, is for the Collegiate High School Income Fund, the moneys of which are to be applied as provided in the next section of this Act.

61. The Collegiate High School Income Fund to be charged with,—(1), the payment of the expenses of collection. (2), The Taxes, Insurance and Repairs of the School. (3), The Salaries of Officers, Teachers (and servants) not being Members of the Council. (4), Incidental expenses directed by the Collegiate High School Council, and confirmed by a Statute of the University. (5), The Salaries of the Principal and Tutors of the Collegiate High School, who are Members of the Council; (6) Special appropriations by direction of the Council of the School, confirmed by a Statute of the University.

With Proviso.—1st, That the surplus, after satisfaction of the first three charges for one year, to be alone applicable to the satisfaction of the three last charges of next year. 2nd, In the event of such balance falling short of such payment, the deficiency is to be deducted from all of the Salaries constituting the fifth charge for such next year, by proportionate quarterly deductions. 3rd, Incumbents to have no claim to have such deficiency made good to them.

62. The Annual Surplus, if any, of the Collegiate High School Income Fund to be carried to the credit of the High School Investment Fund, and to be invested with the other moneys of that Fund.

63. The Caput of the University to have power to suspend the Principal and Tutors of the Royal Collegiate High School for a limited period; and with the approval of the Board of Control to remove them.

XIII. *Miscellaneous Provisions Respecting the University and the Collegiate High School.*

64. No Religious Tests to be imposed either in the University, or in the Royal Collegiate School, except with respect to Professorships of Divinity, etcetera.

65. The University of Toronto is not to erect, or establish, Colleges, or Professorships, of Divinity, except such as may be in the College incorporated with it, under the 30th Section of the Act, or to afford them any assistance, except a site for a College.

66. Neither the University of Toronto nor the Royal Collegiate High School is to borrow any money, except under the authority of a Statute of the University, establishing an annual Sinking Fund of five per centum, besides providing for the payment of the interest on the capital of the sum borrowed.

67. The Caput of the University is to make an Annual Report on the affairs of the University.

68. The University is to be entitled, for the use of its Library, to one copy of all works published in the Province, which shall be delivered to Librarian within a certain time, under a penalty of £5, besides the value of the work, for default.

E.—*Provisions of the University Act in regard to King's College.*

69. Repeals the Upper Canada Amendment of Charter Act of 1837, 7th William IV., Chapter 16, and, as respects King's College, such parts of the Royal Charter of 1827, as confers University powers, etcetera, and all Statutes and Rules for carrying the same into effect.

70. The Corporate name of King's College to be "the President, Masters and Scholars of King's College, in the University of Toronto."

71. The President, Vice-President and one Professor, or the Vice-President and two Professors, to be a Quorum of King's College Council.

72. Seniority among the Professors of the University to be governed by the seniority of the University Chairs, and not by the date of the appointment to such Chairs:

73. If not, Seven Professors qualified to be Members of King's College Council under the Charter. Vacancies in the Council to be filled by the Bishop and Clergy of the Protestant Episcopal Church in Upper Canada, who shall have power to decide on the persons to retire, on the appointment of a Professor qualified to sit in such Council.

74. The Power of suspending Members of the King's College Council from their seats, and of allowing the sufficiency of their excuses for absence, to be vested in the College Council.

75. No Statute of King's College to be repugnant to the Statutes of the University, and, as far as they are so, to be void.

76. The Disallowance of the Statutes of King's College to be made known to the President, in lieu of the Chancellor, as in the Royal Charter of 1827.

77. The initiative of the proposal of By-laws to be with the President, who shall consult thereon with the Senior Member of the College Council.

78. Persons before they receive from the King's College Council Certificates for Degrees in Divinity to be bound to conform to the Provisions of the Royal Charter.

79. The Statutes of the College, providing for the appointment of a Vice-President, are confirmed, except that part of them which limits their continuance.

80. All the Statutes of King's College, establishing any other Professorships, (than those of Divinity and Hebrew,) are repealed; but the College is to have the power to re-enact them, or to establish other similar Chairs.

F.—*Regiopolis College, Kingston.*

81. Repeals so much of Upper Canada Act of 7th William IV, Chapter 56, or of the Statutes of the College, which are repugnant to this Act.

82. Corporate name of Regiopolis College to be: the President, Masters and Scholars of the College of Regiopolis in the University of Toronto.

G.—*Queen's College, Kingston.*

83. Repeals the Proviso to the 7th Section, and Sections 10 and 15 of the Upper Canada Act, 3rd Victoria, Chapter 25, and also all such parts of the Royal Charter as give the like powers, and such parts as give Queen's College University powers, etcetera, and all Statutes and Rules for carrying the same into effect, which are repugnant to this Act.

84. The Corporate name of Queen's College to be: the Principal, Masters and Scholars of Queen's College, in the University of Toronto.

H.—*Victoria College, Cobourg.*

85. Repeals so much of the 3rd Section of the Provincial Act of 4th and 5th Victoria, Chapter 37, as gives the power of conferring Degrees, and all such parts of the Charter of 1836 as give the like power, and all Statutes of the College for carrying the same into effect, are repealed, which are repugnant to this Act.

86. The Corporate name of College to be: the Principal, Masters and Scholars of Victoria College, in the University of Toronto.

I.—*General Miscellaneous Provisions.*

87. The Power of making By-laws conferred by Charter, or otherwise, upon any of the Colleges of the University, to be subject to the further restriction that they shall not be repugnant to this Act.

88. Neither the University, nor any of the Colleges erected, or to be erected, to issue notes, nor act as bankers.

89. Instruments, etcetera, entered into with Colleges, by whatever name, to be good to them, by their respective corporate names.

90. The Corporations of the different Colleges to be liable to all debts, etcetera, contracted by them, under whatever name respectively.

91. All powers and privileges of the different Colleges which are not expressly taken away by this Act are confirmed.

J.—*Temporary Provision for the advantage of the University and its Colleges respectively, and for the protection of Individuals heretofore appointed to Professorships.*

92. The Governor may, within three years, appoint a Commission to enquire into Accounts and Fiscal affairs of the University, and report a system for the keeping of the Books.

93. Such Commission to have power to send for persons and papers.

94. The completion of the Building for the accommodation of the University to be under the direction of the Provincial Board of Works.

95. £500 per annum, for four years, out of the University Investment Fund, to be granted to each of the four Colleges named in Sections 81-85, to be payable quarterly.

96. The present debt of the Royal Collegiate High School to the University to be cancelled.

97. The Collegiate High School granted £500 annually, out of the University Funds for four years.

98. Persons already appointed, whether regularly or otherwise, to Professorships in King's College, to be continued so for twelve months, and for such further period as the Chancellor may, by Warrant, direct, and to be deemed Professors of the said University and Members of the Caput thereof.

99. Each of such Professors to receive £100 per annum, from the date of his original appointment, until he shall be appointed to, or have been offered a Professorship, with a salary attached to it.

100. Upon any such Professor being appointed to any such Professorship, with a salary attached to it, he shall receive an allowance equivalent to what would have been the amount of such salary from the date of his original appointment to a Chair in King's College, less the portion of the £100 per annum,—that allowance to be made to him under the last preceding Section of this Act.

101. The Chancellor to be empowered to make good to certain persons certain deficiencies should they occur.

102. This Act to be a Public Act, and may be amended during this Session.

On the introduction of this Bill into the House of Assembly, Bishop Strachan not only petitioned, but requested a Member of the House to formally appear against it, and to advocate the views which he had expressed in his Petition to the House. The Honourable W. H. Draper was the Member chosen, and he delivered an able Speech on the subject, in which he embodied a number of historical facts relating to the Universities of England and Scotland.

The Bill, however, failed to pass, owing to events which occurred and compelled the Ministry to resign office.

The introduction of the Baldwin University Bill in 1843, nevertheless, marked a new epoch in educational affairs in Upper Canada. The Bill, it is true, did not pass, for the reason given, but it embodied the popular principles of University freedom from denominational control of a provincially endowed Institution, of College confederation, and of what should be the national character of the public Education of our Country. All of these principles took a firm hold of the public mind and were held, as essential, by our prominent public men. In due time, these principles were embodied in our educational legislation.

The Reverend Doctor Ryerson, who was Principal of Victoria College, took strong exception publicly to Mr. Draper's speech. Sir Charles Metcalfe, the Lieutenant-Governor, being desirous of promoting the liberal measure on the University Question, proposed by Mr. Baldwin, requested Doctor Ryerson to confer with him on the subject. This he did, and afterwards, by permission, explained what were His Excellency's views on the subject. Mr. Draper not only communicated to Doctor Ryerson his thanks for the courtesy of his public reference to his Speech, but he had consultations with him on the University Question generally.

In 1845, Mr. Draper prepared a series of Bills on the University Question, which he submitted to the House of Assembly as follows:

The Draper "Upper Canada University Bill, Number One," of 1845.

March 4th, 1845. On motion, it was—

Ordered, That the Honourable Mr. Attorney-General Draper have leave to bring in a Bill for erecting a University, by the name and style of the University of Upper Canada. He accordingly presented the said Bill, and the same was received and read for the first time. The following is a copy of this Bill, intituled:

AN ACT FOR ERECTING A UNIVERSITY, BY THE NAME AND STYLE OF THE UNIVERSITY OF UPPER CANADA, 1845.

Preamble. WHEREAS, for the more general extension of Liberal Education, and for facilitating the instruction of the Youth of this Province, of all Christian Denominations, in the various branches of Science and Literature usually taught in a University, it is necessary to modify the Charter of the University of King's College, and the application of the Endowment thereof, and to provide for the establishment of a University, in which Degrees in Arts and Faculties may be conferred; And—

Despatch of 1832 quoted. WHEREAS, in a Despatch dated the 8th of November, 1832, from [Lord Goderich,]* the then Principal Secretary of State for the Colonies, it is stated that,

"The Legislature of Upper Canada have already been invited to consider in what manner the University can be best constituted for the general advantage of the whole Society:—"

Be it, therefore, enacted, by the Queen's Most Excellent Majesty, etcetera—

I. That there shall be erected, or established, at, or near, the City of Toronto, in this Province, from the passing of this Act, one University for the Education and Instruction of Youth and Students, and the conferring of Degrees in Arts and Faculties, to continue for ever to be called "The University of Upper Canada;" and that the said University shall, by that name, be a Body Corporate and Politic, and shall have perpetual succession and a Common Seal, with power to change, alter, or make anew, the same, and shall and may by the name aforesaid, contract, and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, and by, and under, the name aforesaid, shall be able and capable in law of acquiring, taking, having, holding, and enjoying, by gift, grant, conveyance, devise, bequest, or otherwise, to them and their successors, any estate, real or personal, to, and for, the use of the said University, or to, for, or in trust, for any other use, or purpose, whatsoever, and of letting, conveying, or otherwise disposing thereof, from time to time, as they may deem necessary, or expedient.

Corporation created.

Governor to be Visitor. II. *And be it enacted,* That the Governor-General, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, shall be the Visitor of the said University, for, and on behalf of, Her Majesty, her Heirs and Successors.

III. *And be it enacted,* That there shall be a Chancellor of, and in, the said University, who shall be elected by a majority of voices in open Convocation, and shall hold office for the period of Four Years from the time of his election:

Proviso. *Provided,* That the Person so to be elected Chancellor, shall be a natural born Subject of Her Majesty, and shall not, at the time of his election, or while he is Chancellor, hold any other Office, Place, or Appointment, in the said University.

Vice-Chancellor. IV. *And be it enacted,* That the Vice-Chancellor shall be a Professor of, and in, the said University, and shall be appointed by Her Majesty, Her Heirs and Successors.

Pro Vice-Chancellor. V. *And be it enacted,* That the President, Principal, or Head of each College [mentioned in sections xxii, xxiii, xxiv and xxv] shall be *ex-officio*,

* This Despatch is to be found on pages 112, 113 of the Second Volume of the Documentary History of Education in Upper Canada (Ontario).

a Pro Vice-Chancellor of the University, and shall take precedence, as such Pro Vice-Chancellor, according to the date of his appointment, to be such President, Principal or Head of such College.

THE CAPUT AND HEBDOMADAL BOARD OF THE UPPER CANADA UNIVERSITY.

VI. *And be it enacted*, That there shall be for, and within, the said University a Council, to be called, "The Caput of the University," which shall consist of the Chancellor, the Vice-Chancellor of the University, the Chief Justice of the Queen's Bench, the Senior Judge in Equity, of Upper Canada, for the time being, the Senior Puisne Judge of the Court of Queen's Bench of Upper Canada, for the time being, the President, Principal, or Head, of King's College, as soon as the same shall have become a College of the University, the President, Principal, or Head, of Queen's College, as soon as the same shall become a College of the University, the President, Principal, or Head, of Victoria College, so soon as the same shall become a College of the University, the President, Principal, or Head, of any other College, which shall be united to, and declared and constituted a College of the said University, taking precedence according to the date at which such College is so united to the University, and the Principal of Upper Canada College; and that the Members of the said Caput shall have precedence therein, in the order in which they are above named. Caput of the University. Precedence.

VII. *And be it enacted*, That, in case, at any time, there shall be no Vice-Chancellor, the Senior Pro Vice-Chancellor shall exercise all the powers and perform all the duties of Vice-Chancellor. Pro Vice-Chancellor.

VIII. *And be it enacted*, That the Vice-Chancellor, or if there be none, then the Senior Pro Vice-Chancellor, and the two Professors, next in seniority, shall form a Hebdomadal Board, for the internal discipline of the said University, and the Officers, Lecturers, Tutors and Students thereof, and shall have and exercise, such powers for all, or any, of the purposes aforesaid, as shall be assigned to them by any Statute, Rule or Ordinance, to be made, as hereinafter provided, by the University Caput. Hebdomadal Board. Powers of the Board.

IX. *And be it enacted*, That the University Caput shall have full power and authority to frame and make Statutes, Rules and Ordinances, touching and concerning the good government of the said University and Upper Canada College, the Studies, Lectures, Exercises, Degrees in Arts and Faculties, and for the summoning and holding regular, or special, Meetings of the Caput, and for the times of holding general and special Convocations, as hereinafter mentioned, and all matters relative to the same; the residence and duties, (except where provided for by this Act,) of the Vice-Chancellor of the University, the number, examination, residence, duties and order of precedence and seniority of the Professors thereof, the number of Fellowships and Scholarships of and in the said University, and all matters relative to the creation and conferring thereof; the number, residence, appointment and duties of all Tutors, Lecturers, Officers and Servants of the University; the management of the revenues and property thereof, the salaries, stipends, provision, fees and emoluments of, and for, the Vice-Chancellor, Professors, Fellows, Scholars, Officers and Servants of the University; the appointment and removal of the Masters of Upper Canada College, excepting the Principal thereof, and, generally, concerning any other matter, or thing, for the well-being and advancement of the said University, and agreeable to this Act, and also, from time to time, to revoke, renew, augment or alter all, every, or any, of the said Statutes, Rules and Ordinances, as to them shall seem meet and expedient. *Provided* always, that the said Statutes, Rules, or Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Powers of the University Caput. Exception First Proviso.

Second proviso.

Kingdom of Great Britain and Ireland, or of this Province; *Provided* also, that no Statute, Rule or Ordinance, shall be passed and adopted at the same Meeting at which it is first introduced and considered, but that a second Meeting of the Caput shall be specially convened, for the passing and adopting any such Statute, Rule and Regulation: *Provided* also, that no such Statute, Rule and Regulation shall have any force, or effect, until it shall have been approved and confirmed by the Visitor of the University, under his Hand and Seal at Arms; *Provided* always, that, except to the sum of £ ——— for Buildings, it shall not be lawful for the said Caput to pass any Statute, Rule, or Ordinance, or otherwise to authorize, or direct, the laying out, or expenditure of, or to expend, any part of the Capital Fund of the said University, or the proceeds of the sales of any endowment of Lands, or other property, that may be conferred thereupon, but that the annual Expenditure shall be, at all times, except as aforesaid, limited to the annual Income arising from interest, dividends, rents and fees.

Third proviso.

Fourth proviso.

Annual expenditure.

Caput restricted as to Religious Observances and Internal Discipline of other Colleges.

X. *And be it enacted*, That nothing herein contained shall be construed to authorize the Caput to pass any Statute, Rule, or Regulation, for Religious Observances of the Students of the said University, or to control, or interfere with, the powers of the several Colleges in that respect, or in any other matter affecting the internal Discipline or Regulations of such Colleges.

Quorum of Caput.

Majority.

Casting Vote.

XI. *And be it enacted*, That no meeting of the Caput shall be, or be held to be, a lawful Meeting thereof unless five Members, at the least, be present during the whole of such Meeting, and that all questions proposed for the decision of the Caput shall be determined by the majority of the votes of the Members present, including the vote of the Presiding Member, and that, in the event of an equal division of such votes, the Member Presiding at any such Meeting shall give an additional, or casting, vote.

Disallowance of Statute or By-Law.

XII. *And be it enacted*, That at any time, within two years after the passing of any Statute, or By-law, of the University, and the approval thereof by the Visitor, it shall be lawful for Her Majesty, Her Heirs and Successors, in Privy Council, to declare Her disallowance thereof, and that such disallowance shall be communicated by the Visitor to the Caput, by an Instrument under his Hand and Seal at Arms, and shall operate at a repeal of the Statute, or By-law, therein mentioned, from the date of such instrument.

A General Convocation of the University of Upper Canada Authorized.

Annual Payment by the members of the Convocation.

XIII. *And be it enacted*, That the Chancellor and Vice-Chancellor, and all the Members, the University Caput and all other Persons holding Professorships in the said University, and all other Persons admitted therein to the Degree of Master of Arts, or to any Degree in Divinity, Law, or Medicine, and who, from the time of such their admission to such Degree, shall pay the annual sum of Twenty-five Shillings of lawful money of this Province, for, and towards, the maintenance and support of the said University, shall be, and be deemed, taken and reputed to be Members of the General Convocation of the said University.

Convocation to confer Degrees, except in Divinity.

XIV. *And be it enacted*, That the General Convocation shall have authority to elect the Chancellor of the said University, and also to confer Degrees in Arts and Faculties, excepting in Divinity, on Students of the said University within Her Majesty's Dominions, and to grant Dispensations and Letters Testimonial.

Special Convocation for other Colleges.

XV. *And be it enacted*, That the President, Principal or other Head, of each College, and the Trustee Board thereof, and all Persons whose names shall be in the Books of such Colleges as Members thereof, according to the By-laws of such College, who shall have been admitted to the Degree of

Master of Arts, or to any Degree in Divinity, Law, or Medicine, in the said University, or in any other University within Her Majesty's Dominions, shall be, and be deemed and taken and reputed to be, Members of a Special Convocation of the University for the College of which they are Members as aforesaid.

Special Convocation.

XVI. *And be it enacted*, That the President, Principal, or other Head of every such College, shall, at the Special Convocation of this University for his College, preside as Pro Vice-Chancellor, and that each such Special Convocation respectively shall have power to confer Degrees in Divinity on persons who shall conform to the College Statutes in that behalf, and make all such declarations and subscriptions as the respective Charter, or Statutes, of the College may require.

Divinity Degrees.

Condition: Degree of M.A.

XVII. *Provided always, and be it enacted*, That no Degree in Divinity, conferred on any person, who has not previously been admitted to the Degree of Master of Arts in the said University, or in some other University within Her Majesty's dominion, nor any honorary Degree, shall entitle the party, on whom the same is conferred, to vote in any General or Special Convocation.

Subscription to Religious Declaration.

XVIII. *And be it enacted*, That every Member of the Caput of the University and every Professor, or other Officer, thereof, shall, prior to the entering on the duties of his office, make and subscribe a declaration of his belief in the authenticity and divine inspiration of the Old and New Testaments, and in the doctrine of the Trinity, but that no religious test shall be imposed by the Caput on any Student, or Undergraduate, entering his name in the University Book, nor on any person taking a Degree, which is authorized to be conferred in General Convocation.

No tests allowed.

Appointment of Professors.

XIX. *And be it enacted*, That all, and every, the Professors of the said University, shall be nominated and appointed by Her Majesty, Her Heirs and Successors; and, that every such Professor may be removed by Her Majesty, Her Heirs and Successors, on the recommendation of the Caput.

Suspension of Professor by Caput.

XX. *And be it enacted*, That it shall be lawful for the Caput to suspend any Professor of the said University from his office, for any just and reasonable cause to them appearing, provided, That the grounds of every such suspension shall be entered and recorded at length on the Books of the said Caput; and every Professor, so suspended, shall cease from the performance of his duties, and from the exercise of his rights, functions, and privileges until, and unless, he shall be restored and re-established in the Professorship by Her Majesty, Her Heirs and Successors, or by the Visitor of the said University; and

Conditions.

Provided also, that a copy, duly authenticated, of the entry and record of such suspension, and the grounds thereof, be forthwith transmitted to the Visitor of the University, in order that the same may be submitted for the decision of Her Majesty, Her Heirs and Successors.

U. C. College a "Royal Grammar School."

XXI. *And be it enacted*, That Upper Canada College shall be incorporated with, and form an appendage of, the said University, as a "Royal Collegiate Grammar School," and be subject to the jurisdiction and control of the Caput thereof, and that the Principal thereof shall be appointed and removed by Her Majesty, Her Heirs and Successors.

King's College affiliated.

XXII. *And be it enacted*, That King's College, upon and after the passing of any Act of the Parliament of this Province, amending the Charter thereof, shall be and become a College of the said University.

Condition of affiliation of Queen's College.

XXIII. *And be it enacted*, That Queen's College at Kingston, upon the surrender by the Trustees of any rights, powers and privileges, as a University, conferred upon them by their Charter of Incorporation, shall be, and become, a College of the said University.

Condition of affiliation of Victoria College.

XXIV. *And be it enacted*, That Victoria College, upon the surrender of any rights, powers and privileges, as a University, conferred upon them by their Charter of Incorporation, shall be, and become, a College of the said University.

Condition of affiliation of other Colleges.

XXV. *And be it enacted*, That all and every other College, now or hereafter to be lawfully incorporated, shall and may, on application to the Caput of the said University, under the Corporate Seal of such College, and on furnishing a duly authenticated copy of their Charter of Incorporation to the Caput, to be enrolled among the Archives of the University, be, by a Statute of the said University, to be passed under the regulation of this Act, declared to be, and be, and become, a College of the said University.

Students to be enrolled.

XXVI. *And be it enacted*, That every person desirous of becoming a Student of the said University, and of attending the Lectures thereof, and of taking any Degrees therein, shall enter himself as a student of some College of the University, and continue his name on the books of such College, in conformity with the By-laws and Statutes thereof, during the whole time that he shall be a Student on the Books of the said University.

Special cases.

XXVII. *Provided always, and be it enacted*, That, if any person, desirous of becoming a Student of the said University, shall belong to some Religious Body not having a College in the said University, it shall and may be lawful for the Hebdomadal Board of the University to enter his name on the University Books, and to admit him as a Student thereof, on his producing, and depositing with them, a Certificate from his Parents, or Guardians, of their approbation and consent to his not entering any College.

Allowance of Affiliated Colleges. £300. £1,500.

XXVIII. *And be it enacted*, That, out of the annual income of the said University, there shall be paid to the proper Officer of each College belonging to the same, an annual sum of not less than ———pounds, nor more than ———pounds, for the support and maintenance of such College.

XXIX. *And be it enacted*, That the annual sum to be so paid to each College shall be, within the limits aforesaid, annually fixed and determined by the Caput of the University, under the following Regulations, that is to say:

Allowance to be proportional.

That no College which shall not have on its Books, for the year preceding the determination of such allowance, at least fifteen Students, who shall have had their names also during the same year on the University Books as Students thereof, according to its By-Laws, shall be entitled to any allowance; that the allowance to any College, not having more than fifteen such Students shall not exceed ——— pounds; that the allowance to any College, not having more than twenty such Students, shall not exceed ——— pounds; that the allowance to any College, not having more than thirty such Students, shall not exceed ——— pounds; that the allowance to any College, not having more than forty such Students, shall not exceed ——— pounds; and that the sum of ——— pounds shall in no case, be granted to any College not having at least fifty such Students on the Books thereof.

Present Professors retained.

Exception.

XXX. *And be it enacted*, That, with the exception of the Professor of Divinity, every Professor, or Officer, now actually holding office in the University of King's College, may, in the discretion of the Visitor, continue to hold the like Professorship, or Office, in the University of Upper Canada, until removed, or suspended, in pursuance of the power and authorities conferred by this Act.

King's College Statutes recognized.

XXXI. *And be it enacted*, That all Statutes, Rules and Ordinances made by the Council of King's College, excepting such as refer to religious matters and observances, and in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be, and are

hereby declared to be, Statutes, Rules and Ordinances of the University of Upper Canada, and shall continue, as such, in full force and effect, until the same shall be altered, or superseded, by the Caput of the last mentioned University.

King's College Degrees.

XXXII. *And be it enacted*, That all Degrees conferred by the Convocation of the University of King's College, shall be deemed and taken to be Degrees of, and conferred in and by, the University of Upper Canada, to all intents and purposes whatsoever.

King's College Terms. Victoria and Queen's College Terms.

XXXIII. *And be it enacted*, That all terms kept, and studies and exercises performed by the Students and Undergraduates of the said University of King's College, and Queen's College, and Victoria College, shall have the like force and effect, and shall entitle such Students, respectively, to the same rights, privileges and examinations for Degrees, as if the same had been kept and performed in the said University of Upper Canada.

Site for each College.

XXXIV. *And be it enacted*, That it shall be the duty of the Caput to assign and convey to every College belonging to the University of Upper Canada a convenient site or portion of land for the erection of all necessary buildings.

Interpretation of words in this Act.

XXXV. *And be it enacted*, That the words "University of King's College," and the words "King's College," shall be taken and construed to mean and designate the Corporation erected and created by certain Letters Patent, bearing date at Westminster on the fifteenth day of March, 1827, in the eighth year of the Reign of the late King George the Fourth, and recited and set forth in a certain Act of the Parliament of the Province of Upper Canada, passed in 1837, in the seventh year of the Reign of his Late Majesty King William the Fourth, intituled: "An Act to amend the Charter of the University of King's College."

4th William IV., chap. 16.

This is a Public Act.

XXXVI.—*And be it enacted*, That this Act shall be deemed and taken to be a Public Act, and shall be Judicially taken notice of, as such, by all Judges, Justices and others, without being specially pleaded, and that the same may be amended, or repealed, by any Act, to be passed during the present Session.

Draper Bill, Number Two, "To Amend the Charter of King's College, Toronto," 1845.

On motion it was—

Ordered, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill to repeal a certain Act therein mentioned, and to alter and amend the Charter of the University of King's College. He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read for a second on Tuesday next.

It was further ordered that the Honourable Mr. Attorney General have leave to bring in a Bill, in connection with the Upper Canada University, and intituled:

An Act to Repeal a Certain Act Therein Mentioned, and to Alter and Amend the Charter of the University of King's College.

Preamble.

Whereas a Bill has been passed (proposed) during the present Session for erecting a University by the name and style of "The University of Upper Canada;" and

Whereas it is designed that King's College should become, and be constituted, a College, of and in, the said University; and

Whereas it is, therefore, necessary to amend the Charter of King's College:—Be it, therefore, enacted by the Queen's Most Excellent Majesty, etcetera:

7th William 4th, cap. 16, repealed.

That a certain Act of the Parliament of the Province of Upper Canada, passed (in 1837,) in the 7th year of the Reign of His late Majesty, King William the Fourth, intituled, "An Act to amend the Charter of the University of King's College," be, and the same is hereby, repealed.

Name of the Corporation.

II. *And be it enacted*, That, from and after the passing of this Act, the said Corporation shall be known and designated by the name and style of "The President, Fellows and Scholars of King's College at Toronto," in the place and stead of the name given by the Charter thereof.

There shall be no King's College Chancellor, or other University Officer.

III. *And be it enacted*, That, notwithstanding anything contained in the Charter of the said University of King's College, set forth in the said Act of the Parliament of Upper Canada, there shall not hereafter be any Chancellor, or other University Officer, belonging to the said University.

The College shall not hereafter enjoy the privileges of a University.

IV. *And be it enacted*, That, notwithstanding, as aforesaid, the said College shall not hereafter have, exercise, or enjoy, any of the rights, powers and privileges of a University, or hold any Convocation, or confer any Degrees.

The Bishop of Toronto to be Visitor of the College.

V. *And be it enacted*, That the Lord Bishop of Toronto, for the time being shall be, and is hereby declared to be, the Visitor of the said College.

The Professor of Divinity to be the first President thereof.

VI. *And be it enacted*, That the present Professor of Divinity of, and in, the said University of King's College shall become and be the first President of the said College, and Professor of Divinity therein.

THE COUNCIL OF KING'S COLLEGE CREATED—ITS POWERS.

Who form the College Council.

VII. *And be it enacted*, That, notwithstanding, as aforesaid, the College Council shall consist of the President, for the time being, who shall also be Professor of Divinity, the Vice-President and the three Senior Tutors thereof; and that meetings of the said Council may be summoned by the President, or, in his absence, by the Vice-President; and the President, or Vice-President, and two other Members shall form a quorum.

President may appoint a Vice-President.

VIII. *And be it enacted*, That the President of the said College shall have power and authority to nominate and appoint the Vice-President thereof.

The Visitor may appoint, fill up the Council.

IX. *And be it enacted*, That, for the filling up the said Council in the first instance, it shall be lawful for the Visitor to appoint three tutors thereof.

Tutors of College to be subject to Examination.

X. *And be it enacted*, That all Tutors of the said College, after the first appointment, shall be subject to examination by the Council, in pursuance of any Statute, or Ordinance, in that behalf, which the said Council are hereby authorized to make, and, after examination and approval, shall and may be appointed tutors by the said Council.

The Visitor may suspend any Member of College Council for a just cause.

XI. *And be it enacted*, That the Visitor may suspend any of the Members of the College Council from seat therein, for any just, or reasonable, cause to him appearing,—providing that the grounds for every such suspension shall be stated and communicated to the College Council in writing at length, signed by the Visitor, and shall be entered and recorded on the books of the said Council; and that every person, so suspended, shall, thereupon, cease to be a member of the said Council, unless, and until, he shall be restored to, and re-established in such, his station therein, by Her Majesty, Her Heirs and Successors, or by the said Visitor, acting in behalf of Her Majesty, and in pursuance of any special reference from Her Majesty, Her Heirs, or Successors.

XII. *And be it enacted*, That the said College Council shall continue to possess and enjoy all and every the powers and privileges conferred in and by the said Charter, except in so far as the same are inconsistent with the provisions of the Act. College Council to continue to enjoy certain Powers conferred by Charter.

XIII. *And be it enacted*, That, notwithstanding as aforesaid, it shall and may be lawful for the said College Council to initiate, as well as to pass, any Statutes, Rules and Ordinances, not inconsistent with the provisions of this Act; provided, always, that no such Statutes, Rules or Ordinances shall come into effect until they shall have been sanctioned and approved by the Visitor, and such sanction and approval shall have been communicated by him to the College Council under his Hand and Seal. College Council may pass certain Statutes and Rules and Proviso.

XIV. *And be it enacted*, That Fellowships and Scholarships may be credited and endowed within the said College, and may be regulated by Statute of the College Council. College Fellowships and Scholarships.

XV. *And be it enacted*, That all other the powers, limitations, conditions, privileges and immunities conferred in and by the said Charter, which are not varied, or abrogated, by this Act shall be, and continue to be enjoyed, exercised and observed, in as full and ample a manner, as is expressed in the said Charter, and as if the said Charter had not been in any respect varied, or interfered with. Certain Powers granted by Charter to remain.

It was then ordered that the Bill be now read a first time, and that it be read a second time on Tuesday next.

The Draper "University Endowment Vesting Bill, Number Three," of 1845.

It was further ordered that the Honourable Mr. Attorney-General Draper have leave to bring in a Bill to vest the Endowment granted by the Crown in 1797, for University Education in Upper Canada, in the University of Upper Canada, and for other purposes therein mentioned. He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

This Bill was intituled:—

An Act to Vest the Endowment Granted by the Crown for University Education in Upper Canada, in the University of Upper Canada, and for Other Purposes Therein Mentioned.

Whereas Bills have been passed (proposed) during the present Session for erecting a University by the name and style of the University of Upper Canada, and for taking from King's College all University privileges and powers; and Preamble.

Whereas the Endowment conferred by the Crown on King's College was designed for the purposes of University Education within the Province of Upper Canada; and it is right and just that such endowment should be applied accordingly:—

Be it therefore enacted, by the Queen's Most Excellent Majesty, etcetera, That so soon as the said Bill erecting the University of Upper Canada shall become law, or as soon as a Royal Charter shall be granted, incorporating a University by the same name and style, in conformity with the provisions of the same Bill, all and every land and other real estate and effects, heretofore granted by the Crown to the said University of King's College, by the When the Property, King's College at York, shall be vested in the University of Upper Canada.

name and style of: "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," or by any other name, or style, and all moneys, Debentures and Securities for money, of what nature or kind soever, arising from the sale, or rental, of Lands so granted, as aforesaid, or purchased, procured, or taken by, for, or through, the means of any such Lands, or any sale, or leasing thereof, or for the security of any debt due to the said University of King's College, now in the possession of the said University of King's College, or to which the said University of King's College is legally, or equitably, entitled, shall be, and the same is hereby declared to be vested in, and the property of, the University of Upper Canada, in whatever way the same may be incorporated, as aforesaid.

Debts and liabilities of King's College to be transferred to the University of Upper Canada.

II. *And be it enacted*, That all debts due to "The Chancellor, President and Scholars of King's College at York, in the Province of Upper Canada," shall be transferred and become due to the University of Upper Canada; and that the said University of Upper Canada shall have the same power to sue for and collect and recover the same, and to bring any actions, or suits, whatever, in respect of all, or any, of the aforesaid property, estate and effects, or any contract, lease or agreement relative thereto, in their own corporate name, in like manner, as if such debt had been incurred to, or such property, estate and effects had originally belonged to, or such contract, lease, or agreement had been made by, and with, the said University of Upper Canada, and to the same purpose and effect as if such action, or suit, had been brought in the name of "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada."

Debts and liabilities of King's College to be discharged by the University of Upper Canada.

III. *And be it enacted*, That all debts and liabilities, covenants, contracts and agreements, entered into and incurred by "the Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," shall be paid, discharged, fulfilled and performed by the University of Upper Canada; and that the said University of Upper Canada shall be liable to any suit, action, or proceeding, on account of any such debt, liability, covenant, contract, or agreement, which could, or might, have been brought against the said "Chancellor, President and Scholars of King's College, at York, in Upper Canada," in respect of any such debt, liability, covenant, contract, or agreement.

The University of Upper Canada to be entitled to certain Property.

IV. *And be it enacted*, That nothing in this Act contained shall be held, or construed, to entitle the University of Upper Canada to any other Lands, real estate, property and effects now belonging to, or held by, or in trust for the Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada, than what is set forth in the first and second sections of this Act.

THE HONOURABLE JOHN A. MACDONALD UNIVERSITY BILLS OF 1847.

On the failure of the Draper University Bills to pass the Legislature the Honourable John A. Macdonald introduced three into the House of Assembly in 1847. The following is a copy of the first Bill:—

BILL—AN ACT TO VEST THE ENDOWMENT GRANTED BY THE CROWN FOR UNIVERSITY EDUCATION IN UPPER CANADA, IN THE UNIVERSITY OF UPPER CANADA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

Whereas Bills have been passed (proposed) during the present Session for erecting a University by the name and style of the University of Upper

Canada, and for taking from King's College all University privileges and powers;

And Whereas, the Endowment conferred by the Crown on King's College was designed for the purpose of University Education within the Province of Upper Canada, and it is right and just that such Endowment should be applied accordingly:

When the Bill for erecting University of Upper Canada shall become law, or a Royal Charter be granted, property, etc., of Chancellor, etc., of King's College at York, to be vested in University of Upper Canada.

Be it, therefore, enacted that so soon as the said Bill erecting the University of Upper Canada shall become law, or as soon as a Royal Charter shall be granted, incorporating a University by the same name and style in conformity with the provisions of the said Bill, all and every the land and other real estate and effects heretofore granted by the Crown to the said University of King's College, by the name and style of "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," be by any other name or style, and all Moneys, Debentures and Securities for money, of what nature or kind soever, arising from the sale or rental of any lands, so granted, as aforesaid, or purchased, procured, or taken, by, for, or through the means of any such lands, or any sale or leasing thereof, or for the security of any debt due to the said University of King's College, now in the possession of the said University of King's College, or to which the said University of King's College is legally, or equitably, entitled, shall be, and the same is hereby declared to be, vested in, and be the property of the University of Upper Canada, in whatever way the same may be incorporated, as aforesaid.

Debts due to the said College to be transferred to University of Upper Canada.

II. *And be it enacted*, That all debts due to "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," shall be transferred and become due to the University of Upper Canada;—and that the said University of Upper Canada shall have the same power to sue for, and collect, and recover the same, and to bring any actions, or suits, whatever, in respect of all, or any, of the aforesaid property, estate and effects, or any contract, lease or agreement in relation thereto, in their own corporate name, in like manner as if such debt had been incurred to, or such property, estate and effects had originally belonged to, or such contract, lease, or agreement had been made by, and with, the said University of Upper Canada, and to the same purpose and effect as if such action, or suit, had been brought in the name of "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada."

Debts and liabilities of the said College, etc., to be paid and discharged by University of Upper Canada.

III. *And be it enacted*, That all debts and liabilities, covenants, contracts and agreements entered into and incurred by "Mr. Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," shall be paid, discharged, fulfilled and performed by the University of Upper Canada; and that the said University of Upper Canada shall be liable to any suit, action, or proceeding, on account of any such debt, liability, covenant, contract or agreement which could, or might, have been brought against the said "Chancellor, President and Scholars of King's College, at York, in Upper Canada," in respect of any such debt, liability, covenant, contract, or agreement.

University to be only entitled to lands, etc., set forth in 1st and 2nd Sections of this Act.

IV. *And be it enacted*, That nothing in this Act contained shall be held, or construed, to entitle the University of Upper Canada to any other lands, real estate, property and effects now belonging to, or held by, or in trust for, "Mr. Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," than what is set forth in the first and second sections of this Act.

Text of the Second Macdonald King's College Amendment Bills of 1847.

Bill—An Act to Repeal a Certain Act therein mentioned, and to Alter and Amend the Charter of the University of King's College.

Preamble. Original Charter of 1827. Amendment Act of 1837.

Whereas it is expedient to restore to the University of King's College its original Charter, under the Letters Patent issued by His late Majesty, King George the Fourth, bearing date at Westminster, the fifteenth day of March, in the Eighth Year of His Majesty's Reign, with certain exceptions therein, and, for that purpose, to repeal a certain Act of the Parliament of the Province of Upper Canada, passed in the Seventh Year of the Reign of His late Majesty, King William the Fourth, in 1837, and intituled:—"An Act to Amend the Charter of the University of King's College"—

Be it therefore enacted, by the Queen's Most Excellent Majesty, etcetera, and it is hereby enacted, by the authority of the same, That the said Act be, and the same is, hereby repealed.

Members of Convocation.

II. *And be it enacted,* That, for and notwithstanding anything in the said Charter contained, the Chancellor and President of the said College shall be, from time to time, as vacancies shall occur, selected by the Convocation of the said College, by a majority of the votes of such Convocation, at any Lawful Meeting of such Convocation;

Proviso Condition.

Provided always, That the said Chancellor and President shall be Members of the Church of England, and shall severally subscribe the Thirty-nine Articles of Religion, as declared and set forth in the Book of Common Prayer, before entering upon any of the duties of their respective Offices.

The original text of the Macdonald third University Bill is as follows:—

Bill—An Act to Incorporate "The University Endowment Board," and to Vest certain Estimates Therein, and for other purposes therein mentioned.

Preamble.

Whereas, the Endowment conferred by the Crown on King's College, Toronto, was originally designed for the purpose of General Education within the Province of Upper Canada;

And whereas, for the more general extension thereof, and for facilitating the instruction of the youth of this Province in the various branches of Science and Literature, it is expedient to alter the disposition of the said Endowment;

Be it therefore enacted, by the Queen's Most Excellent Majesty, etcetera, and it is hereby enacted by the authority of the same,

Endowment Board appointed.

I. That, immediately after the passing of this Act, it shall, and may, be lawful for the Governor, or Person administering the Government of this Province, to appoint one proper person, and for "King's College," "Queen's College," "Victoria College," and "The College of Regiopolis," severally, to appoint one proper person; and that such five persons so appointed, as aforesaid, shall be and the same are hereby ordained, constituted and declared to be a body corporate and politic in fact, and by and under the name of "The University Endowment Board," and shall have perpetual succession and a Common Seal, with power to change, alter, or make anew, the same, and shall, and may, by the name aforesaid, contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, and by, and under, the name aforesaid, shall be able and capable in law, of acquiring, taking, having, holding and enjoying, by gift, grant, conveyance, devise, bequest, or otherwise, to them and

Acquire and hold property.

their successors, any estate, real or personal, to and for the use of the said Board, or to, for, or in trust, for any other use and purpose whatsoever, and of letting, leasing, selling, conveying, or otherwise disposing thereof, from time to time, as they may deem necessary or expedient.

Appointment and Successors.

II. *And be it enacted*, That it shall and may be lawful for the Governor, and for the said four Colleges, from time to time, and at their discretion severally, to remove the person respectively appointed by them as aforesaid, and to appoint others in their stead, and, in case of death, to appoint a successor or successors; and that the person so, from time to time, appointed by the Governor shall be *ex-officio* Chairman of the said Board.

Chairman.

Meeting of Board.

III. *And be it enacted*, That within Calendar Months after the passing of this Act, the Members of the Board shall meet for the purpose of organization and for the transaction of business, at the City of Toronto, after one month's notice of such meeting being given in the *Canada Gazette* by the Chairman; that not less than two Members, with the Chairman, shall then, or at any time, be a quorum for the transaction of business; and that the said Board shall, after the said first Meeting, meet at such places within Upper Canada, and at such times as they may appoint, provided that the said Board shall meet at least once in every months.

Quorum.

Present Endowment of King's College to vest in the Board.

IV. *And be it enacted*, That from and after the passing of this Act, all and every the Lands and other Real Estate and Effects heretofore granted by the Crown to the said University of King's College, by the name and style of "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," or by any other name, or style, and all Moneys, Debentures, and Securities for Money, of what nature or kind soever, arising from the sale, or rental, of any Lands so granted, as aforesaid, or purchased, procured, or taken by, for, or through, the means of any such Lands, or any sale, or leasing thereof, or for the security of any debt due to the said University of King's College, now in the possession of the said University of King's College, or to which the said University of King's College is legally, or equitably, entitled, shall be, and the same are hereby, declared to be vested in, and the property of, the said "University Endowment Board"; always excepting therefrom the tract and parcel of Land in Toronto, whereon the University Building has been lately erected, and the Lands, Grounds and Premises belonging or attached thereto, together with the said Building, and all and singular the Avenues, Ways, Privileges and Appurtenances unto the said tract of Land belonging, or in any wise appertaining, and also excepting all Books, Maps, Plans, Philosophical Apparatus and Instruments, now in the possession of the Chancellor, President and Scholars of King's College, which tract, or parcel, of Land, Building and Premises, with the Appurtenances, and every part and parcel thereof, together with the said Books, Maps, Plans, Philosophical Apparatus and Instruments, shall be, remain and continue vested in the said Chancellor, President and Scholars of King's College.

University Site excepted.

Also Books, Apparatus, etc.

Debts due transferred.

V. *And be it enacted*, That all debts due to the Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada, shall be transferred, and become due, to the said University Endowment Board; and that the said University Endowment Board shall have the same power to sue for and collect and recover the same, and to bring any actions, or suits, whatever, in respect of all, or any, of the aforesaid Property, Estate and Effects, or any Contract, Lease, or Agreement relative thereto, in their own corporate name, in like manner as if such debt had been incurred to, or such Property, State and Effects had originally belonged to, or such Contract, Lease, or Agreement had been made by, and with, the said University Endowment Board, and to the same purpose and effects as if such action, or suit, had

Also Estate, Effects, etc.

been brought in the name of "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada."

Debts of King's College assumed.

VI. *And be it enacted*, That all debts and liabilities, Covenants, Contracts and Agreements entered into and incurred by the Chancellor, President and Scholars of King's College, at York, in Upper Canada, shall be paid, discharged, fulfilled, and performed by the University Endowment Board, and

Liability of Endowment Board.

that the University Endowment Board shall be liable to any suit, action, or proceeding, on account of any such Debt, Liability, Covenant, Contract, or Agreement, which could, or might, have been brought against the said Chancellor, President and Scholars of King's College, at York, in Upper Canada, in respect of any such Debt, Liability, Covenant, Contract, or Agreement.

Restrictions as to Property to be assumed.

VII. *And be it enacted*, That nothing in this Act contained shall be held, or construed, to entitle the University Endowment Board to any other Lands, Real Estate, Property and Effects now belonging to, or held by, or in trust for, the Chancellor, President and Scholars of King's College, at York, in Upper Canada, than what is set forth in the fourth and fifth Sections of this Act.

Annual Grants to Collegiates in existence.

VIII. *And be it enacted*, That on the day of in each and every year, after the passing of this Act, the said Board shall pay to King's College the sum of (£3,000—$12,000), to Queen's College, the sum of (£1,500—$6,000), to Victoria College the sum of (£1,500—$6,000), and to the College of Regiopolis the sum of (£1,500—$6,000).

Rebate in case of insufficiency of income.

IX. *And be it enacted*, That, if the rents received by the said Board, and the interest annually accruing on the proceeds of the sales of Lands, and the Dividends received on the Debentures, Stocks and other Investments made and held by the said Board, shall, during any year, be insufficient to pay the said sums to the said several Colleges, then, and in such case, the Board shall, for that year, make a rateable deduction from the payments, so to be made to the said several Colleges.

Certain balance to go to Grammar Schools.

X. *And be it enacted*, That after making the said annual payments to the Colleges, the Board shall, out of any surplus Rents, Interest and Dividends that may remain, annually pay to the Receiver General of the Province of Canada, for the benefit of the Grammar Schools in Upper Canada, the sum of £ currency; and in case the surplus shall not amount to the said sum, then the whole of the said surplus shall be paid to the Receiver General, for the purposes aforesaid.

SPECIAL NOTE ON THIS SECTION.—As the original Imperial Grant made in 1797 provided for District Grammar Schools and "Seminaries of a larger and more comprehensive nature," the provision in this Section of the Bill was designed, as explained to Doctor Ryerson, to promote the establishment of "Model Agricultural Farms in connection with the District Grammar Schools."

Surplus to go to the Receiver-General, for future Colleges.

XI. *And be it enacted*, That, after payment of the said sums to the said several Colleges, and to the Receiver General, any surplus that may remain of the said Rents, Interest and Dividends shall be invested by the said Board in Provincial Debentures bearing six per cent. interest; and the Dividends, from time to time, accruing on such Debentures shall, in like manner, be invested, until the same shall be appropriated by the Legislature for the endowment of any College, or Colleges, that may hereafter be incorporated within Upper Canada, or for the purposes of General Education within the same, in such manner as to the Legislature may hereafter seem expedient.

The Reverend Doctor Ryerson on the Macdonald University Bills, 1847.

No preceding University Bill ever contemplated an object so extensive and beneficial to the whole Province. The preceding Measure of Mr. Baldwin in 1843, and of Mr. Draper in 1845 and 1846, looked not beyond an University Education, in which not more than one in a thousand of a population can have any direct interest, or be immediately benefited; but the Establishment and Maintenance of Grammar and Agricultural Schools come home to the mass of the people, and are not confined to the rich and the few. This is one of the most patriotic features of the present Measure; it contemplates and comprehends the Country at large, in its religious and social aspects,—in its various employments, as well as in regard to the learned professions—in its poorest as well as its richest citizens. Yet we have heard two objections urged against it on this very ground. The one is, that the Endowment was intended for a Literary Provincial University alone; and that it is "spoliation" to apply it to any other object. The second objection is, that such a Literary Provincial University is more important to the people than are the proposed District Grammar and Agricultural Schools!

1. As to the objection that the endowment was designed for a single University alone,—that objection has been sufficiently noticed in the foregoing exposition of the Macdonald University Scheme. . . .

2. In regard to the second objection, that a Literary University is more important to the people than are District Grammar and Agricultural Schools. Such a statement is the boldest attempt to make a man believe that "black is white" that we have witnessed for a long time! We depreciate not the importance of a Literary Collegiate University Education; but the educational statistics of any Country will prove that the education of nine young men out of ten will terminate with the Grammar School, for the one who will proceed from thence to the University. The importance of the former, therefore, in comparison of the latter, is as ten to one; a fact that clearly shows that a sufficiently large proportion of the Imperial Educational Endowment of Upper Canada has been reserved for University Education. To what are we indebted but to Grammar Schools for the education of all our Judges in the various Courts of Upper Canada? . . . And to the same secondary Institutions are we indebted for most of the Parliamentary Leaders of both parties in the Legislature; and also for some of the most distinguished Clergy of the Episcopal and other Churches. Yet some parties have, all at once, become so profoundly learned, and so transcendental in their views of what one newspaper calls "the exact sciences," that they can scarcely condescend to look upon a Grammar School at all; nor can they seem to endure any other mode of teaching Agriculture than by a Professor in a University;—so that all who wish to study scientific agriculture must come to the one University Professor at Toronto, and become students in the one University! . . . What a prospect for farmers' sons all over Upper Canada!

Besides, those young men who may be able to pursue a University Course of Education will be more indebted for success in their Collegiate studies to the Grammar School than to the University itself. As a general rule, no University Student will distinguish himself, whatever may be his talents and diligence, whose Grammar School training has been defective. The Grammar School lays the foundation; the University commences the superstructure. A good edifice cannot be constructed upon an uncertain and imperfect foundation. Every scholar will tell you that such men as Robert Boyle, (Earl of Cork), the philosopher, Sir Robert Walpole, the Earl of Chatham, Charles James Fox, George Canning, Henry Hallam, the historian, and, not least, the Duke of Wellington, owe more to Eton Grammar School than they do to the Universities of Oxford or Cambridge.

Desirable Provision in Our Grammar Schools for the Teaching of Agriculture.

3. And it is one most admirable feature of the present University Measure that it proposes to give to District Grammar Schools their proper position and efficiency. Some

of them are now little better than Common Schools; as a whole they are inefficient, and inefficiently provided for. The present Measure proposes to make them as important and useful to Upper Canada as are the Gymnasia to Germany, what the Communal Colleges are to France, what the Eton, Rugby, Harrow, Westminster and Winchester Schools are to England, and what the High Schools and Academies are to Scotland and the United States.

4. In addition to this, a practical Agricultural School is contemplated in each District, which will serve the whole purpose, in such District, of being a Model Farm for the study of Farmers, and a place of both Scholastic and Agricultural training for their sons. And should each District Council send some intelligent, enterprising young Farmer to the Provincial Normal School, to attend Lectures in Agricultural Chemistry, and kindred subjects, as well as to receive other requisite instruction for the office of an Agricultural Teacher, a corps of native Teachers would thus be raised up to supply all the District Agricultural Schools in Upper Canada, both as Lecturers and Practical Farmers, and the interests of Agriculture would, therefore, be advanced to indefinite extent.* . . . To accomplish these noble and general purposes, a part of the University Funds are to be expended, and additional means obtained, by substituting good land for poor land, as School reserves.

5. But there are two other features in this part of the Measure which greatly enhance its value. The one is, that it provides for a well-considered and appropriate system of instruction in all these Grammar and Agricultural Schools, so that no School can be made the sport, or prey, of individual caprice, sloth, or ignorance. The other feature of this Measure is that these District Grammar and Agricultural Schools are to be connected with the people, through the District Municipal Councils, three out of the five Trustees of each School being Members of the District Council, instead of having all of the Trustees appointed by the Crown, as those of the District Grammar Schools are at the present time. The Principals and Masters of these Schools are to be appointed and removed by the Trustees, and not by the Governor, as at present. A more liberal and patriotic arrangement cannot be conceived than the proposed management of these most important Institutions.

6. We are persuaded that the more carefully the whole Measure is examined, the more acceptable will it be found to be to the inhabitants of Upper Canada at large, as founded upon the experience of most enlightened Nations, whether Monarchical or Republican, best adapted, in addition to the Common Schools, to diffuse most extensively the blessings of a sound Christian Education, and to raise up a Nation of moral and intellectual people. . . .

7. We hope that every Christian and sensible man will look at the whole Measure in itself, and its bearing upon the general interests of the Province alone. . . . Such a subject is too great, too vital in its importance, and too general in its application to the

* It was not until 1873 that a movement was made to establish an Agricultural College for the Province.

The subjects of instruction in Agricultural Chemistry prescribed for the Normal School of Upper Canada, were: 1. The nature of the substances which enter into the composition of Vegetables. 2. The sources from which those substances are derived. 3. The origin and composition of soils. 4. The conditions necessary for producing a luxuriant vegetation, etcetera. In 1848, the Governor-General, Lord Elgin, instituted two prizes in the Normal School to encourage the study of Agriculture on the parts of the students in it,—one of twelve dollars and another of twenty dollars. While Lord Elgin remained in Canada these prizes were given to students each year.

On page 192 of the Sixth Volume of this Documentary History will be found an extract from Doctor Ryerson's Report of 1846, on a "System of Public Elementary Instruction for Upper Canada," in which he advocates the Teaching of Agriculture in the Public Schools. On the same page there is given a list of Text Books on Agriculture, published in this Province, from 1846 to 1898. In a recent note from Mr. C. C. James, Deputy Minister of Agriculture, Ontario, he says: "In reference to your note on page 192 of your Sixth Volume, I can make a further addition. Professor H. Y. Hind issued a small work on Agricultural Science during his residence in Toronto. My edition of the Niagara Agricultural Reader is dated in 1845. Doctor Davidson's Agricultural Text Book is as reprinted in Montreal in 1897, revised by Doctor S. P. Robins. Two Books on Agriculture have been published in Manitoba, and authorized for use in the Schools. My Text Book is now authorized for use in the Public Schools of both Nova Scotia and New Brunswick."

whole Country, to be made the sport of mere objectors. . . . Without regard to men or parties, we base our views upon the broad grounds of Christianity, general experience, and the public welfare.

Resolutions Adopted by the Wesleyan Methodist Conference Special Committee.

At a Meeting of the Special Committee of the Wesleyan Methodist Conference, held in Toronto on the 28th of July, 1847, the following Resolutions, prepared by Doctor Ryerson, on the University Question, were adopted:—

1. That this Committee have witnessed with satisfaction the introduction of certain Bills into the House of Assembly, during the late Session of the Provincial Legislature, with a view to the settlement, upon Christian and equitable principles, of the important and long-pending University Question.

2. That this Committee believes the Bills referred to in the preceding Resolution provide for the settlement of that long-agitated Question upon more equitable and Christian principles, and in a manner more extensively beneficial to the general interests of all classes of our Country's population, than any other Measure which has yet been submitted to the Canadian Legislature,—including, as this Bill does, not only a provision for the Academical and Agricultural Instruction of youth in every Municipal District of Upper Canada, but also providing for the higher education of youth upon the Christian principles of their parents—combining the Christianity of our Country, through its several Religious Persuasions, with solid education,—leaving a fair portion of University Endowment to Colleges, which other Religious Persuasions may hereafter establish, as well as of giving needful and beneficial assistance to those Colleges already established.

3. That, during that period of the education of youth when they are necessarily separated from the parental care and Public Worship of their own homes, provision should be made for the proper care of their morals and Religious Instruction, as well as secular learning, and that any System of Education which divests the Authorities of a College, and the course of instruction, of the attributes and character of Christianity, must be a source of unspeakable evil, instead of good.

4. That, while your Petitioners concur in the general provisions of the University Bills submitted to your Honourable House, they are of opinion that a disproportionately small sum is proposed to be granted to the College of the Wesleyan Methodist Church,—a Body whose early and widely-extended labours in Western Canada, whose number and extensive usefulness, and great exertion to promote education, place them second to no Religious Persuasions in Western Canada.

5. That, with this expression of our opinions of the University Bills, a Petition stating these opinions be prepared and signed by the Chairman and Secretary of this Committee, addressed to the House of Assembly, praying that House to consider the just claims and wishes of that part of the population religiously identified with our Church, and to pass the University Bills, with such modifications, in some of their details, as will be equitable to the Religious Persuasions, and beneficial to the general educational interests of Upper Canada.

6. That the Members and Friends of our Church throughout the Province be requested to co-operate with us in a Petition to the House of Assembly for the settlement of the University Question, in accordance with foregoing Resolutions.

Matthew Richey, D.D., *Co-Delegate.*

Toronto, October the 28th, 1847. George R. Sanderson, *Secretary.*

Note.—The following Petition was agreed to by this Special Committee of the Conference, and it served as a form to be adopted by those to whom the foregoing Address was sent.

To the Honourable the Commons House of Assembly of the Province of Canada:

The Petition of the Conference Special Committee of the Wesleyan Methodist Church in Canada humbly sheweth:

1. That your Petitioners witnessed with satisfaction the introduction of certain Bills into the House of Assembly, during the late Session of the Provincial Legislature, with a view to the settlement, upon Christian and equitable principles, of the important and long-pending University Question.

"That your Petitioners regretted to learn afterwards that the further consideration of that question was postponed until another Session of the Legislature.

2. That your Petitioners believe that the Bills above referred to provide for the settlement of the long-agitated Question upon more equitable and Christian principles, and in a manner more extensively beneficial to the general interests of all classes of our country's population, than any other Measure which has yet been submitted to the Canadian Legislature, including, as that Bill does, not only a provision for the Academical and Agricultural Instruction of youth in every municipal District in Upper Canada, but also providing for the higher education of youth upon the Christian principles of their parents—combining the Christianity of our Country through its several Religious Persuasions, solid education,—leaving a fair portion of the University Endowment to Colleges which other Religious Persuasions may hereafter establish, as well as of giving needful and beneficial assistance to those already established.

3. That, during that period of the education of youth when they are necessarily separated from the parental and Public Worship of their own homes, provision should be made for the proper care of their morals and Religious Instruction, as well as secular learning, and that any System of Education which divests the Authorities of a College, and the course of instruction of the attributes and character of Christianity, must be a source of unspeakable evil, instead of good.

4. That, while this Committee concurs in the general provisions of the University Bills submitted to the Legislature, it is of opinion that a disproportionately small sum is proposed to be granted to the College of the Wesleyan Methodist Church in Canada—a Body whose early and widely extended labours in Western Canada, whose numbers and extensive usefulness, and great exertions to promote education, place them second to no Religious Persuasions in Western Canada.

5. That, with this expression of their opinion of the provisions of the University Bills, your Petitioners earnestly pray your Honourable House to consider the just claims and wishes of that part of the population religiously identified with our Church, and to pass these University Bills, with such modification, in some of their details, as will be equitable to the Religious Persuasions, and beneficial to the general educational interests of Upper Canada.

Signed by order, and in behalf, of the Conference Special Committee,

MATTHEW RICHEY, D.D., *Co-Delegate.*

TORONTO, October the 28th, 1847. GEORGE R. SANDERSON, *Secretary.*

SUMMARY OF THE REASONS WHY THE MACDONALD UNIVERSITY SCHEME SHOULD BE SUPPORTED.

In sending out the foregoing form of Petition for signature, by Members of the Wesleyan Methodist Church in Canada, a brief summary, from the pen of Doctor Ryerson, of the Reasons for adopting the proposed Macdonald University Scheme, and signing the Petitions in its favour, was published as follows:—

We respectfully urge a number of considerations for supporting the Macdonald University Bills of 1847:—

The present Government Measure is, in several respects, new. It is the boldest and most comprehensive plan of settling the University Question which has yet been proposed. We submit the following proposition on the subject:—

1. That King's College, at Toronto, will be as efficient, and confer as great benefits upon all that may attend it, with the proposed endowment of £3,000 per annum, as it has been, or would do, with an endowment of £10,000 per annum. The whole endowment of the great Edinburgh University is less than £3,000 per annum.

2. That the present University Measure will afford the means of a Collegiate Education to many hundreds of young men who would otherwise never attain it, if the whole Endowment were locked up in one independent and expensive University College.

3. That, by means of the English and Preparatory Schools, connected with each of the Denominational Colleges, hundreds of worthy young men of the middle classes of society will be able to secure the inestimable advantages of a good Classical, or English, Education in connection with Religion, who would be deprived of such advantages if the whole Collegiate fund be absorbed in one University.

4. That, in addition to the foregoing advantages, the efforts and resources of the several Religious Persuasions will be developed and called forth, in connection with the public aid in behalf of the higher and more general education of the youth of the land, besides the collateral and general benefit of raising up among them all a better educated Clergy.

5. That, whenever the Religious Persuasions, not having Colleges and Schools of their own, shall do as others have done: establish Colleges and Schools by their own efforts, they will enjoy, in the same way and to the same degree, the fruits of their labours, and thus be enabled to extend their usefulness.

6. That the present University Measure contemplates also the improvement of the District Grammar Schools, and the establishment of an Agricultural School in each District in Upper Canada,—in all, twenty Agricultural Schools. An Agricultural Professorship was established in Edinburgh many years ago, but it proved a failure. University students do not care about becoming Farmers; but twenty Agricultural Schools and Model Farms in Upper Canada must confer unspeakable benefits upon the Country.

7. That the application of a portion of the funds of the University for the improvement of the District Grammar Schools is the object for which the Lands producing that fund were set apart by the Crown in 1797, before being given to the University.

8. We dare say that men who think more of party interests than they do of the interests of the Province, will wish to keep the University Question unsettled; but every disinterested lover of peace and Public welfare must desire its speedy settlement, as proposed.

Proceedings of the Presbyterian Synod, (Church of Scotland), on the Macdonald University Bills of 1847.

At a Meeting of the Synod of the Presbyterian Church, in connection with the Church of Scotland, the following proceedings took place in the month of September, 1847, on the subject of the Macdonald University Bills of that year:—

The Synod had transmitted to them, by their Committee on Bills and Overtures, a Paper from the Board of Trustees of Queen's College on the subject of the Macdonald University Bills of 1847. The same was read, and, after some consideration, was referred to the following Committee, *videlicet*: The Reverend Messieurs John Cook, D.D.; Robert McGill, James George, J. Cruikshank, A.M.; George Romanes, A.M.; John Machar, A.M.; Alexander Mathieson, D.D.; James Williamson, A.M.; and Messieurs James Crooks and (Mr.) Paterson, to report on the same, for the action of the Synod.

At a subsequent Meeting, the Synod called for the Report of the Committee, in reference to the Macdonald University Bills, of 1847, which was given in and read. It

was then moved by the Reverend R. Neill, seconded by the Reverend A. Ross, that the deliverance recommended by the Committee on the University Bills be adopted by the Synod, as follows:—

That the Synod, feeling the just claims of the Presbyterian Church of Canada, in connection with the Church of Scotland, to a share in the management and benefits of the public Endowment of King's College, have, on previous occasions, expressed their approval of the union (of King's and Queen's Colleges). That scheme, however, has not obtained that support to which they think it was entitled. But, as their just claims still remain unsatisfied,—claims which they never can consent to forego,—the Synod declare that they will give their countenance to any proper Measure, which shall provide for their equitable settlement;—and, in so far as their satisfaction is, to a considerable extent, provided for by the University Bills introduced by the Honourable John A. Macdonald into last Session of Parliament, approve of the same, with such modifications as may seem proper;—resolve to petition the different Branches of the Legislatures, that such Measures may be adopted by them as shall be best fitted to satisfy the claims of the Presbyterian Church of Canada, in connection with the Church of Scotland,—to secure an equitable settlement of this important question, and put an end to a source of most unhappy discussion; and they recommend to the Presbyteries and Congregations, if they see meet, to petition the Legislature to the same effect.

Petition of the Synod of the Presbyterian, (Church of Scotland), to the Legislature, 1847.

The following is a copy of the Petition to the Legislature, as agreed to by the Synod, on the 14th of September, 1847:

To the Honourable, the House of Assembly of the Province of Canada.

The Petition of the Presbyterian Church of Canada, in connection with the Church of Scotland humbly sheweth:

That the Synod, feeling the just claims of the Presbyterian Church of Canada, in connection with the Church of Scotland, to share in the management and benefits of the Public Endowment of King's College, have, on previous occasions, expressed their approval of the scheme of the union of (King's and Queen's Colleges;) that scheme, however, has not obtained the support, to which they think it was entitled. But, as the just claims [of Queen's College] still remain unsatisfied ;—claims which they can never consent to forego,—the Synod declare that they will give their countenance to any proper Measure which shall provide for their equitable settlement; and, in so far as their satisfaction is, to a considerable extent, provided for by the University Bills, introduced into last Session of Parliament (1847), approve of the same, with such modification as may seem proper; your Petitioners pray that such Measures may be adopted by your Honourable House as shall be best fitted to satisfy the claims of the Presbyterian Church of Canada, in connection with the Church of Scotland; and also to secure an equitable settlement of this important question, and put an end to a source of most unhappy dissension; and they recommend this to the Presbyteries and Congregations. And your petitioners, as in duty bound, will ever pray.

Signed on behalf of the Synod,

Toronto, 14th of September, 1847. John Cook. D.D.

Presbyterian (Free) Church of Canada: Representing Knox College.

The following Resolutions, respecting the proposed partition of the Endowment of King's College, were passed at a Special Meeting of the General Committee of Knox College, held on the 28th of December, 1847.

Whereas a Bill was introduced by the Honourable John A. Macdonald into the Provincial Legislature at its last Session, for the partition of the Endowment of King's College among four Religious Bodies, to be applied for Educational purposes under Ecclesiastical direction,

And, Whereas, this scheme is now again brought into general discussion in the Province,—each of the four Denominations referred to having, in one form or another, publicly declared their approval of it, or their readiness to acquiesce in its provisions—

And, Whereas, there seems to be a call on us, in existing circumstances, to express our views on a matter of such vital importance to the best interests of the community,—be it—

Resolved,—1. That, inasmuch as the Endowment of King's College, as well as its existing Constitution, are manifestly designed to secure the full benefits of a University Education for the whole youth of the Province, without distinction, or exception, we cannot but regard the proposed Measure of partition as involving a violation of public faith, and as inflicting a palpable and grievous injury on the community at large.

Resolved.—2. That, inasmuch as the entire Endowment of King's College, is, by no means more than adequate for the due support of an Institution, such as it was designed to be ; fully equipped for the high and varied purposes of University Education, and expanding, as the advancement of human knowledge, and the growth of this community, should require—the partition of its funds among a number of separate and limited Seminaries would greatly, and permanently, damage the interests of Education, Science and Letters in this Land.

Resolved,—3. That the proposed scheme of partition would necessarily stamp the Education of the Country with a sectarian character, and by needlessly separating the ingenuous youth of Canada, in their educational career, would destroy one of the most wholesome means of harmonizing the heterogeneous, and, in some respects, discordant elements of which Canadian Society is composed.

Resolved,—4. That the proposed University Bills, by practically excluding from participation in the existing Endowments all but the Members of certain Religious Denominations, as specially unadapted to the circumstances of a partially settled Country, in which the relative proportions of the constituent classes of the community may soon be found to be very different from what they are at present; and thus we cannot but anticipate that the injurious and exasperating effects of the proposed Measure will increase with the progress of years; as Religious Denominations, now recognized in the partition of the funds in question, may cease to exist, or decline to a fractional magnitude, and others, now excluded from what was intended for all, may increase in numbers and influence.

Resolved,—5. That, deeply impressed with the value of Religious Knowledge, as essential to the complete effect of an education scheme, and anxious as we are that the recognition of God and of His Revealed Will should be impressed on all our public Institutions, so far as that is practicable amidst conflicting religious sentiments,—it is plain to us, that the proposed University Measure has not the redeeming merit of securing this great interest; but, on the contrary, subverts the distinctions of truth and error, by recognizing contrary creeds alike; and goes to foster declining and impoverished Institutions, at the expense of sacrificing a great common foundation, which might be so modified, in respect of its rules and management, as to be available to all classes in Literary and even Religious benefits, without rendering it a channel for diffusing the special Religious opinions of any. And, as to my unavoidable defect in its provision for direct Theological training, this we believe may be most safely left to be supplemented by the various Religious Denominations of Christians, according to their occasions, from their own resources, and in their proper Theological Schools.

Resolved,—6. That, as it seems to be a well ascertained fact, that the valuable funds of the University are barely sufficient to meet the existing claims upon them, while many important parts of education are wholly unprovided for,—the proposed

University Measure holds out to the community, especially in regard to the support of Grammar Schools, prospects of aid which must prove altogether illusory.

—Signed by Members of the Board.

The Roman Catholic Church Representing Regiopolis College.

On the 5th of November, 1847, the Bishop administering the Roman Catholic Diocese of Kingston, and his Clergy, issued an elaborate Address on the University Question to the Members of the Roman Catholic Church in Upper Canada.

The Address is practically an appeal to the Members of that Church to more actively identify themselves with the cause of education, and more generally to avail themselves of its great advantages, in order that they may be enabled to enter more fully into competition with others, so as to insure success in the various callings of life.

The Address enters fully into a discussion of various social and educational topics, as to their bearing on the personal status and intellectual advancement of Members of the Roman Catholic Church.

These Considerations Have Led Us to Adopt a Series of Resolutions on the University Question.

The most important question of the education of our Catholic youth, having been brought before us, we have, therefore, in Convocation held at Kingston, on the fifth day of November, eighteen hundred and forty seven, unanimously adopted the following Resolutions:—

Resolved,—1. That among the various causes now contributing to check the growth of intellectual improvement in the Catholic youth of the Province, we assign these two as the chief, videlicet:

(1). The most unjust diversion of the proceeds of the Jesuits' Estates, which, though originally purchased, or given, as private donations for Catholic educational purposes, nevertheless, for a long series of years, and to the present day, have been notoriously diverted into channels utterly hostile to Catholic educational interests, as well as repugnant to the intentions with which the said Estates were purchased, or given.

(2). The second of the said assigned causes is the seizure, by the Corporation of King's College, of the Lands set apart, by the munificent liberality of the Crown, in 1797, for the education of Catholics, as well as those of other Religious Denominations; so that these Lands have been rendered of no avail for the [separate] education of Catholics.

Resolved,—2. That, as it is our firm persuasion that the attendance of Catholic students in the University of King's College, Toronto, under its present form, is dangerous to their religious faith and morals, we shall, therefore, do all in our power to prevent them from attending there.

Resolved,—3. That, however strongly we condemn the present constitutions of the University at Toronto, we shall oppose any settlement of the University Question which does not provide adequate means of Catholic instruction and supervision for the Catholics of Upper Canada, not in connection with the University of King's College.

Resolved,—4. That we consider the endowment of the College of Regiopolis, in an adequate manner, with means taken from the Jesuits' Estates, or [the endowment of] the University of Toronto, or from any other source at the disposal of the Government, the most suitable way of procuring education in the higher branches of knowledge for the Catholics of Upper Canada.

Resolved,—5. That naturally disconnected, as we are, by the duties of our Sacred Ministry, from what are usually termed "politics," yet conscientiously holding the ques-

tion of education to be of vitally religious importance to the moral and intellectual well-being of the people entrusted to our spiritual charge, we will henceforward endeavour, in every becoming and constitutional way, to use our influence with our flocks to prevent any Member being returned to the Provincial Parliament who will not previously pledge himself, in explicit terms, and in the most candid and public manner, to use Parliamentary exertion in efficiently providing for the suitable education, as aforesaid, of the Catholics of Upper Canada.

PROCEEDINGS OF THE HOUSE OF ASSEMBLY, 1849.

April 2nd, 1849.—Ordered, That the Honourable Attorney General Baldwin have leave to bring in a Bill to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof. Mr. Baldwin accordingly presented the said Bill to the House, and the same was received and read a first time; and ordered to be read a second time on the 17th instant. The title of the Bill was as follows:—

BILL: AN ACT TO AMEND THE CHARTER OF THE UNIVERSITY ESTABLISHED AT TORONTO BY HIS LATE MAJESTY KING GEORGE THE FOURTH, TO PROVIDE FOR THE MORE SATISFACTORY GOVERNMENT OF THE SAID UNIVERSITY, AND FOR OTHER PURPOSES CONNECTED WITH THE SAME, AND WITH THE COLLEGE AND ROYAL GRAMMAR SCHOOL FORMING AN APPENDAGE THEREOF.

This Bill having passed both Houses of the Legislature was assented to by the Earl of Elgin and Kincardine, Governor-General of British North America, on the 30th May, 1849, as follows:—

[NOTE.—Those parts of the original Bill, on which the following Act is founded, which were omitted, or modified, by the Legislature, are enclosed in square Brackets; the additions to the Bill are printed in italic type. I insert it here as the Statute which legally converted the King's College University into the "University of Toronto," and from the fact that it was to repeal or amend this Act that the following University Bills were introduced into the Legislature in the year 1851, but which failed to pass. In this Bill Mr. Baldwin inserted the main features of his Bill of 1843.]

Preamble.

Whereas, a University for the advancement of learning in that division of the Province called Upper Canada, established upon principles calculated to conciliate the confidence and insure the support of all classes and denominations of Her Majesty's subjects, would, under the blessing of Divine Providence, encourage the pursuit of Literature, Science and Art, and thereby greatly tend to promote the best interests, religious, moral and intellectual, of the people at large; and

Royal Charter of 15th March, 1827, cited.

Whereas, with a view to supply the want of such an Institution, His late Majesty, King George the Fourth, by Royal Charter, bearing date at Westminster the fifteenth day of March, 1827, in the Eighth year of his reign, was pleased to establish at Toronto, then called York, in that division of the Province, a Collegiate Institution, with the style and privileges of a University, and was afterwards pleased to endow the said Institution with certain of the Waste Lands of the Crown in that part of the Province; and

Whereas the people of this Province consist of various Denominations of Christians, to the Members of each of which Denominations it is desirable to extend all the benefits of a University Education, and it is, therefore, necessary that such Institution, to enable it to accomplish its high purpose, should be entirely free, in its government and discipline, from all Denominational bias, so that the just rights and privileges of all may be fully maintained, without offence to the Religious Opinions of any; and

Imperial Despatch of 8th November, 1832, cited.

Whereas the Legislature of the late Province of Upper Canada having been invited by His late Majesty, King William the Fourth, "to consider in what manner the said University could be best constituted for the general advantage of the whole society," as appears by the Despatch of His Majesty's Secretary of State for the Colonies, bearing date the Eighth day of November, in the year of our Lord one thousand eight hundred and thirty-two, the Parliament of that Province, afterwards, by an Act passed in the Seventh year of the reign of His said late Majesty, King William the Fourth, Chaptered sixteen, and intituled: "An Act to amend the Charter of King's College," did alter and amend the said Charter in certain particulars, in order, as the Preamble to the said Act recited, "to meet the desire and circumstances of the Colony," and

Act of Upper Canada (1837), 7 William IV., chap. 16, cited.

Whereas such alteration and amendment have been found insufficient for these purposes, and therefore as well for the more complete accomplishment of this important object, in compliance with His said late Majesty's most gracious invitation, as for the purpose of preventing the evil consequences to which frequent appeals to Parliament on the subject of the Constitution and Government of the said University is calculated to produce, it has become expedient and necessary to repeal the said Act, and to substitute other Legislative provisions in lieu thereof:

I. Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled: "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same that the said Act shall be, and the same is hereby, repealed.

Imperial Act of 1840.

Repeal of Act of 1837, 7 William IV., chap. 16

Repeal of so much of Charter as is inconsistent with this Act.

II. *And be it enacted*, That so much of the said Charter, so granted by His said late Majesty, King George the Fourth, as aforesaid, as is contradictory to, or inconsistent with, this Act, or any of the provisions thereof, or as makes provision in any matter provided for by this Act other than such as is hereby made in such matter, shall be, and the same is hereby, repealed and annulled; anything in the said Charter, or the said Act of the Parliament of the late Province of Upper Canada of 1837, to the contrary notwithstanding.

II. Concerning the University of Toronto.

Corporate Name and Powers.

III. *And be it enacted*, That from henceforth the said University, so established by the said Royal Charter of His said late Majesty, King George the Fourth, bearing date the Fifteenth day of March, 1827, in the Eighth year of his Reign as aforesaid, shall be known and designated by the name and style of "The Chancellor, Masters and Scholars of the University of Toronto," in the stead and place of the name given thereto in and by the said Charter, and the same shall continue to be a University for the Education of Youth, and the conferring Degrees in Arts and Faculties, as provided by the said Charter; and the said University, by the said name of The Chancellor, Masters and Scholars of the University of Toronto, shall continue to be

a Body Corporate and Politic, with perpetual succession and a Common Seal, and all other corporate and other rights, powers and privileges conferred by the said Royal Charter, except so far as the same are repealed, altered, or modified by the provisions of this Act, and all and singular the rights, powers and privileges conferred by the said Charter, except as aforesaid, shall be and the same are hereby confirmed to the said Chancellor, Masters and Scholars, and their successors forever; and the said University, by and under the name aforesaid, shall be able and capable in Law of purchasing, acquiring, taking, having, holding and enjoying, by gift, grant, conveyance, devise, bequest, or otherwise, to them and their successors, any estate, or property, real or personal, to and for the use of the said University, or to, for, or in trust for any other use or purpose whatsoever, in any way connected with the advancement of Education, or the Arts, or Sciences, and of letting, conveying, or otherwise disposing thereof, from time to time, as they may deem necessary or expedient.

Power to take and hold Property for certain purposes.

IV. *And be it enacted*, That the Governor, or Person administering the Government of this Province for the time being, shall be the Visitor of the said University for, and on behalf of, Her Majesty, Her Heirs and Successors, which Visitatorial power shall, and may, be exercised by Commission, under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor or Person administering the Government of the Province in Council, shall be binding upon the said University and its Members, and all others whomsoever.

Governor to be the Visitor.

Powers to be exercised by Commission.

V. *And be it enacted*, That there shall be a Chancellor of, in and for the said University, who shall be elected by a majority of voices in open Convocation, and shall hold office for the period of three years; provided always, nevertheless, *firstly*, that the person so to be elected Chancellor shall be a natural born, or naturalized, Subject of Her Majesty, and shall not be a Minister, Ecclesiastic, or Teacher under, or according to any form or Profession of Religious Faith or Worship whatsoever; and provided also, *secondly*, that, at the time of his election, or while he shall continue Chancellor, he shall not hold any other office, place, or employment, either in the said University, or in any other University, College, Seminary, School, or place of Learning or Education, in this Province, or elsewhere.

Chancellor to be elected triennially by Convocation.

Proviso: To be a subject of Her Majesty, and not an Ecclesiastic.

Proviso: not to hold any other educational employment.

VI. *And be it enacted*, That there shall be a Vice-Chancellor of, in and for the said University, who shall be, or shall have been, a Professor of and in the same, and shall be elected annually by the Senate of the said University.

Vice-Chancellor to be elected annually by Senate.

Provided always, nevertheless, *firstly*, that the person so to be elected Vice-Chancellor shall be a natural born, or naturalized, Subject of Her Majesty, and shall not, at the time of his election, or while he shall continue Vice-Chancellor, hold any office, place, or appointment in any other University, College, Seminary, School, or place of Learning or Education, in this Province or elsewhere; and provided also, *secondly*, that the election of any Professor of the said University to be Vice-Chancellor, as aforesaid, shall not, in any way, affect any Professorship, or Professorships, that he may then hold, but the same shall continue to be held by him, as if he had not been elected such Vice-Chancellor; and provided also, *thirdly*, that such Vice-Chancellor shall, during the time that he shall hold such office, reside within the said University, or, if permitted so to do by any Statute of the said University to be passed for that purpose, then in such place as may be prescribed by such University Statute.

Proviso: To be a subject of Her Majesty.

Proviso: His election not to prevent his being also a Professor.

Proviso: To reside in University, unless permitted by Statute to reside elsewhere.

VII. *And be it enacted*, That there shall be a President of, in and for the said University, who shall be appointed by the Crown, under the Great Seal of the Province;

President to be appointed by Crown.

To be a subject of Her Majesty, and not to hold any other educational office.

Provided always, nevertheless, *firstly*, that the Person so to be appointed President shall be a natural born or naturalized Subject of Her Majesty, and shall not, at the time of his appointment,or while he shall continue President thereof, hold any office, place, or appointment in any other University, College, Seminary, School, or place of Learning or Education, in this Province or elsewhere; and provided also, *secondly*, that such President shall, during the time that he shall hold such office, reside within the said University, or, if permitted so to do by any Statute of the said University to be passed for that purpose, then in such other place as may be prescribed by such University Statute; and provided also, *thirdly*, and lastly, that during the vacancy of the office of President of the said University such temporary provision shall and may be made by the Caput of the said University for the performance, in best manner in their power, of the duties attached to such office as shall, or may, be directed or appointed by any University Statute to be passed for that purpose.

To reside in University unless permitted to reside elsewhere.

Provision for supplying temporary vacancy.

Convocation to appoint a Pro-Vice-Chancellor yearly. His duties.

VIII. *And be it enacted*, That it shall and may be lawful for the [Vice-Chancellor, with the assent of the Senate], a Pro Vice-Chancellor, who shall be authorized to perform the duties of the said Office of Vice-Chancellor whenever the said Vice-Chancellor shall, from illness or otherwise, be unable to perform the same himself.

Precedence of Vice-Chancellor and other Officers.

IX. *And be it enacted*, That the Vice-Chancellor of the said University, or, in his absence, the Pro Vice-Chancellor, while actually performing the duties of Vice-Chancellor, shall take precedence next after the Chancellor thereof, and the President of the said University next after the Vice-Chancellor, or Pro Vice-Chancellor, while so actually performing the duties of Vice-Chancellor, and the Pro Vice-Chancellor, except as aforesaid, next after the President; and the Professors, Officers, Members and Servants of the said University in such order as shall, or may from time to time, be fixed by any Statute of the said University to be passed for that purpose.

Duties of Vice-Chancellor.

X. *And be it enacted*, That it shall be the duty of the Vice-Chancellor of the said University, in subordination to the Senate thereof, to maintain and enforce the observance of the Statutes of the said University by the President and Professors and other Members thereof, and to maintain and enforce all necessary discipline therein in regard to such President, Professors and Members, by admonitions and otherwise, as shall, or may, by Statute of the said University be provided in that behalf, together with all such other duties, consistent with the powers by this Act conferred upon other Officers of the said University as shall, or may, by any such Statute be directed, or provided, or to the said office attached;

Duties to be designed by Statute.

Proviso: Powers not to interfere with those of President.

Provided always, nevertheless, that nothing herein contained shall be construed to interfere with the power over the [undergraduates] *Students and Members in "Statu pupillari"* of the said University, hereinafter conferred upon the President thereof.

Duties of President.

XI. *And be it enacted*, That it shall be the duty of the President of the said University, in subordination to the Caput and Senate thereof, to exercise a general superintendence over all the [undergraduates] *Students and Members in "Statu pupillari"* of the said University, and over all the Officers and Servants of the same, and over the studies, *Lectures, examinations, exercises*, and literary pursuits prescribed to such under-graduates by, or under, the authority of the Statutes of the said University, *saving always, nevertheless, the powers and privileges by this Act conferred upon the Deans and Faculties of the said University*, with all such other duties as consistently with the powers by this Act conferred upon other Officers of the said University, shall, or may, by any such Statute be directed, or provided, or to the said office attached.

Duties to be assigned by Statute.

No Faculty, or Professorship, of Divinity. The present Faculty may confer Degrees on present Students.

XII. *And be it enacted*, That there shall be no Faculty of Divinity in the said University, nor shall there be any Professorship, Lectureship, or Teachership of Divinity in the same, *but that the present Faculty of Divinity shall have power to confer degrees in Divinity upon such Statutes, and other Members of the said University, as have hitherto been, or at present are, pursuing their studies in that Faculty on their becoming entitled to such Degrees, according to the existing Statutes of the said University, as far as the requirements of such Statutes shall be capable of being complied with, after the passing of this Act, which Degrees shall be as valid and effectual to all intents and purposes whatsoever as if they had been conferred by the said University previous to the passing of this Act, except that their date shall, for all purposes relating to the standing of the parties on whom they shall be conferred, be reckoned from the time at which they shall have actually been conferred by such Faculty.*

Three Faculties, Law and Medicine and Arts, with Deans, and power of making By-Laws.

XIII. *And be it enacted*, That there shall be in the said University three Faculties, to be called the Faculty of [Law, Medicine, and Arts,] *Arts, Law, and Medicine*, respectively, each of which Faculties shall be composed of such of the Professors as shall be fixed by any University Statute to be passed for that purpose, and shall be presided over by a Dean, to be elected annually from among the Professors composing such Faculty, and each of such Faculties shall and may, moreover, make such By-laws as they may think proper for the Government of such Faculty, such By-laws not being contrary to this Act, or to the Charter, or Statutes, of the said University;

Proviso: By-Laws to require assent of Senate.

Provided always, nevertheless, that no such By-law shall be of any force, or effect, until approved by the Senate of the said University, at a meeting thereof to be called for the purpose of considering the same.

Proviso: Casting vote in the election of Dean, Caput of five members, President, three Deans, and fifth member, appointed by Convocation.

Provided always, that if, in the election of a Dean, the votes be equally divided, the Senior Professor of such Faculty shall have an additional, or casting, vote in such election.

Quorum: Who shall preside—General powers and duties, etc., of Caput.

XIV. *And be it enacted*, That there shall be in the said University a Council of five Members, to be called the Caput of the said University, which Caput shall consist of the President of the said University for the time being, the Deans of the three Faculties of [Arts, Law and Medicine] *Law, Medicine and Arts*, and a fifth Member to be appointed to such Council [annually by the Vice-Chancellor] *by the Convocation* of the said University *annually*, of which Caput any four Members shall be a quorum for the despatch of business, in which said Caput the President of the said University, or, in his absence, the Deans of Faculty, in the order above mentioned, shall preside.

Appeal to the Senate in certain cases.

XV. *And be it enacted*, That the ordinary, general discipline and government of the said University, in subordination to the Senate thereof, shall be vested in and exercised by the Caput of the said University, and that all the Acts of the Vice-Chancellor or President is, or shall be, intrusted with separate distinct and independent powers either by this Act, the Charter of the said University, or some Statute thereof, shall be under the direction and subject to the control of the said Caput, which, except as before excepted, shall have full power to make orders and give directions in all such matters, subject nevertheless to an appeal to the Senate of the said University in all matters directly affecting any of the Professors, or Officers thereof, or involving the expulsion of any Member from the said University;

Proviso: Exercise of such powers may be regulated by Statute.

Provided always, nevertheless, that the mode and manner of exercising the powers hereby vested in the said Caput shall and may, from time to time, be regulated and directed by Statutes of the University to be passed for that purpose.

Caput to report annually to Senate, and transmit a duplicate to the Governor.

XVI. *And be it enacted*, That it shall be the duty of the said Caput to make an Annual General Report to the Senate of the said University, on the general state, condition, progress and prospects of the said University, and all things touching the same, and to make such suggestions as they may think proper for the improvement of the same, a duplicate of which said Report such Caput shall transmit to the Governor, or Person administering the Government of the Province for the time being, through the Provincial Secretary thereof.

Of whom the Senate shall consist.

XVII. *And be it enacted*, That there shall be, in the said University, a Deliberative Body, to be called the Senate of the said University, which shall consist of the Chancellor, Vice-Chancellor, the President, and all the Professors of the said University, and of twelve, or more, additional Members, who shall be appointed to seats in the same,—one-half thereof by the Crown, and the other half thereof by such Colleges in Upper Canada as now are, or hereafter shall be, incorporated, with the power of conferring Degrees in Divinity, and not in the other Arts, or Faculties, each of which additional Members, except those who shall be first appointed to such seats under this Act, and those who shall be appointed to fill such seats for the residue of the term of office of their immediate predecessors respectively, shall hold his seat, in the said Senate, for a term of three years, and shall be appointed to, and vacate the same according to a cycle, to be established by a Statute of the said University, to be passed for that purpose, and which shall make such provision for the same as shall insure that, as nearly as may be, one-third of the said additional Members, so to be appointed by the Crown, as aforesaid, and also one-third of the said additional members so to be appointed by the said Colleges, shall respectively vacate their seats in such Senate every year;

Term of office of additional members.

Proviso: Quorum, and who preside.

Provided always, nevertheless, *firstly*, that fifteen Members shall be a quorum for the despatch of business, and that the Chancellor, and in his absence the Vice-Chancellor, and in the absence of both the Pro Vice-Chancellor, and in the absence of all then the President of the said University shall preside at all meetings of the said Senate, and in the absence of all such Officers, then such other Member of the said Senate as shall be appointed for that purpose for the time; and provided also, *secondly*, that no person shall be qualified to be appointed by the Crown to any such seat in the said Senate who shall be a Minister, Ecclesiastic, or Teacher under, or according to any form, or profession, of Religious Faith or Worship whatsoever; and provided also, *thirdly*, that no person shall be qualified to be appointed, either by the Crown, or by any such Incorporated College, to a seat in the said Senate, who shall not have taken the Degree of Master of Arts, *or any Degree in Law or Medicine*, in the said University, at least five years prior to the time of his appointment to such seat;

Proviso: Crown not to appoint Ecclesiastics.

Qualification of Crown Senators or Colleges.

Proviso not to apply before 1860.

Provided always, nevertheless, *fourthly*, and lastly, that the restriction contained in the said last foregoing Proviso to this Section shall not apply to any appointments to be made to such Senate prior to the year of our Lord one thousand eight hundred and sixty.

Members appointed by Colleges, and the Crown to be always equal.

XVIII. *And be it enacted*, That every such Incorporated College in Upper Canada, as is described in the next preceding Section of this Act, shall be entitled to appoint one other of such additional Members for every Member that such Colleges shall be so entitled to appoint respectively, as aforesaid, so that, in all time to come, the number of Crown Seats and the number of the Collegiate Seats in such Senate shall be equal;

Provided always, nevertheless, *firstly*, there shall be at least six such Incorporated Colleges in Upper Canada, entitled to appoint to seats in such Senate according to the provisions of this and the next preceding Section of this Act, it shall and may be lawful for the Crown, besides appointing to the corresponding Crown Seats in such Senate, to appoint also to the six Collegiate Seats therein, or to so many of them as there shall, or may, from time to time be no such Incorporated College entitled to appoint to; and provided also, *secondly*, that, in making such appointments to such Collegiate Seats in such Senate, the Crown shall not be restricted in its choice, as by the second proviso to the said next preceding Section of this Act is provided.

Proviso: Crown to appoint to Collegiate Seats, until there are six Colleges entitled.

Proviso: Crown not restricted by second Proviso of Section 17.

XIX. *And be it enacted*, That the Senate of the said University shall have full power and authority to frame and make such Statutes, Rules and Ordinances as they may think necessary or expedient, touching or concerning the good government of the said University, or touching or concerning the Professors and all others holding office in the same, the Studies, Lectures, Examinations, Exercises, Degrees in Arts and Faculties to be pursued, given, had, or held therein, and all matters touching the same; and for the summoning and holding regular or special meetings of the Caput and of the Senate, and for the times and mode of summoning and holding Convocations of the said University, and all matters relative to the same; the duties of the Chancellor, and the residence and duties of the Vice-Chancellor and President of the said University; the number, examination, residence, duties, and order of precedence and seniority of the Professors of the said University; the number of Fellowships, Scholarships, Exhibitions and other Prizes of, and in, the said University, and all matters relative to the establishment of such Fellowships, Scholarships, Exhibitions and Prizes, and the Examination of Candidates for the same; the number, residence, appointment and duties of all Officers and Servants of the said University, the management of the property and revenues thereof, the salaries, stipends, provisions, fees and emoluments of, and for, the Vice-Chancellor, President, Professors, Fellows, Scholars, Officers and Servants of the said University, and generally concerning any other matter, or thing, for the well-being and advancement of the said University; and also, from time to time, to revoke, renew, augment, or alter, all, every, or any of the said Statutes, Rules and Ordinances as, to them, shall seem meet or expedient;

Powers of Senate to make Statutes for certain purposes.

Good government of University, and Officers' Studies.

Meetings of Caput.

Duties of Officers.

Fellowships.

Officers' and Servants' Salaries and Fees.

Altering By-Laws.

Provided always, nevertheless, *firstly*, that such Statutes, Rules, or Ordinances, or any of them, shall not be repugnant to the Laws or Statutes of this Province; Provided also, *secondly*, that no such Statute, Rule, or Ordinance shall be passed and adopted at the same Meeting at which it is at first introduced and considered, but that a Second Meeting of the said Senate shall be specially convened for the passing and adopting any such Statute, Rule, or Ordinance; And provided also, *thirdly*, and lastly, that it shall and may be lawful for the Crown, at any time within two years from the passing of any such Statute, Rule, or Ordinance, by Letters Patent, under the Great Seal of this Province, to disallow such Statute, Rule, or Ordinance, and, thereupon, every such Statute, Rule, or Ordinance shall, from the date of such Letters Patent, stand repealed and be of no force, or effect, whatever.

Proviso: Not to be repugnant to law of Canada.

Proviso: Not to be proposed and passed at the same Meeting.

Proviso: Crown may disallow any Statute within two years.

XX. *And be it enacted*, That the Chancellor, Vice-Chancellor, President, and Professors of the said University, *and all other Members of the Senate and Caput of the said University*, and all persons admitted in the said University to [any] the Degree of Doctor, or Bachelor in Law, or Medicine, or to that of Masters in any of the other Arts, or Faculties, and who shall have paid, from the time of his admission to such Degree, the annual sum of twenty shillings of lawful money of Canada for and towards the support and

Who shall be members of the Convocation.

maintenance of the said University, shall be and be deemed taken and reputed to be Members of the Convocation of the said University;

Proviso: That Honorary Degree not to confer a vote.

Provided always, nevertheless, that no Person, upon whom an Honorary Degree only shall have been conferred by the said University, shall have any right, by virtue thereof, to vote as a Member of such Convocation.

Endowment Board constituted for the University and Upper Canada College.

XXI. *And be it enacted*, That there shall be, for the said University, and for the College and Royal Grammar School of Upper Canada College, a Body to be called: "The Endowment Board of the University of Toronto, and of the College and Royal Grammar School of Upper Canada College," which shall consist of (three) *five* members, who shall hold their places at such Board during the pleasure of the parties in whom their appointment is hereby vested respectively, one of which Members shall be appointed by the Governor, or Person Administering the Government of this Province, for the time being; one by the Senate of the said University, *one by the Caput thereof*, and one by the College Council of the said College and Royal Grammar School, *and one by the Masters of the said College and Royal Grammar School, or a majority of them, of which Board any three Members shall form a quorum for the despatch of business;*

Quorum.

Proviso: Crown member to be Chairman of Board, and to hold no office in the University, etc.

Provided always, nevertheless, *firstly*, that the Member of such Board to be so appointed by the Governor, or Person administering the Government of the Province, as aforesaid, shall be the Chairman of such Board, and shall be so expressly named in the Instrument by which he shall be so appointed, which said Chairman of the said Board shall be a person holding no Professorship, office, or employment whatsoever in the said University, or in the said College, or Royal Grammar School, or in any other University, College, Collegiate Institution, School, or other place of Learning in this Province, or elsewhere, and shall not be a Member of the Senate or Caput of the said University, or of any other such University, College, Collegiate Institution, School, or other place of Learning, as aforesaid, nor shall he, during the time that he shall continue to be Chairman of such Board, be capable of being appointed to any such Professorship, office or other employment whatsoever, either in the said University, or in the said College and Royal Grammar School, or in any such other University, College, Collegiate Institution, School, or other place of Learning as aforesaid, or to any seat in the Senate or Caput of the said University, or Council of the said College and Royal Grammar School, or in any other Council, Board, or Body belonging to, or connected with the same, or any of them;

Proviso: Members to give security.

And provided also, secondly, that each Member of such Board shall give such security for the proper discharge of his duty as shall be settled by a Statute of the University in that behalf.

Endowment Board to have charge of property, etc., of University.

XXII. *And be it enacted*, That it shall be the duty of the said Endowment Board to take upon themselves the general charge, superintendence, and management of the whole property and effects, real and personal, of the said University, under the direction of such University Statutes as shall, or may, be passed for that purpose;

Power to alienate Endowment limited.

Provided always, nevertheless, *firstly*, that nothing herein contained shall be construed to confer upon the said Endowment Board a power to alienate any portion of the Endowment of the said University contrary to the provisions of the Thirty-seventh Section of this act; And provided also, *secondly*, that such Endowment Board shall, from time to time, and at all times, as the same may be required, afford to the Governor, or Person administering the Government of this Province for the time being, and also to the Chancellor, Caput and Senate of the said University, or to such Committee or Committees of such Caput, or Senate, as they may respectively appoint for that

Proviso: To give all information called for to the Governor by Caput, etc.

purpose, all such information respecting such property and effects, and the whole fiscal or financial affairs of the said University as the said Governor, or Person administering the Government of the Province, or the said Chancellor, Caput, or Senate, or any such Committee, or Committees of such Caput, or Senate, shall, or may from time to time, require; and provided also, *thirdly*, that such Board shall, in like manner, afford the like information to the Auditors, to be appointed annually for auditing the accounts of the said University; And provided also, *fourthly*, and lastly, that it shall, moreover, be the duty of such Board, annually, to make a full report of the state of the property and effects of the said University under their charge, superintendence and management, and generally of the whole fiscal or financial affairs of the said University, to the Senate of the said University, and at the same time to transmit a duplicate of such Report to the Governor, or Person administering the Government of this Province, through the Provincial Secretary thereof.

To give like information to Auditors.

Proviso: To make Annual Fiscal Report to Senate, etc., to transmit duplicate to Governor, etc.

XXIII. *And be it enacted*, That there shall be two Auditors of Accounts of the said University, to be appointed annually, one by the Chancellor, or in default of such appointment, by the Vice-Chancellor, of the said University, and the other by the Senate thereof, whose duty it shall be to examine and audit the Accounts of the said Endowment Board, as far as they regard the property and effects of the said University, and all other Accounts of the said University generally, and to make a Report upon the same to the Senate of the said University, a duplicate of which Report such Auditors shall transmit to the Governor, or Person administering the Government of the Province, for the time being, through the Provincial Secretary thereof.

Two Auditors to be appointed, and by whom; their duties; to report to Senate and send duplicate to Governor, etc.

XXIV. *And be it enacted*, That the Professors of the said University shall be appointed by the Crown, upon the report, or Resolutions, of the Senate of the said University, in the manner following, that is to say: Whenever any new Chair shall be established in such University, or whenever any Chair heretofore established in the same shall become vacant, by death or otherwise, it shall be the duty of the Caput of the said University, under, and subject to, such Regulations as may be established by the University Statute, to be passed for that purpose, to make known by public advertisement the fact of such Chair being vacant as aforesaid, the duties imposed by the Statutes of the said University upon the Incumbent of such Chair, together with the salary and emoluments belonging to the same, and requiring that the names, residence and additions, and also the testimonials of all Candidates for such Chair, should be transmitted to and deposited in the proper Office of the said University, by a day to be named in such advertisements; and it shall be the duty of the said Caput, on some day to be specially appointed for that purpose, after the day so fixed for the receipt of such applications as aforesaid, to proceed to take the said testimonials of the different Candidates for such Chair into consideration, and thereupon on the same, or on some subsequent day, and with as much deliberation as may be, to make a Report, addressed to the Senate of the said University, upon the same; and the said Senate shall be specially called together by a notice addressed to each Member thereof, and sent to him through the Post Office, to take such Report into consideration; and it shall be the duty of the said Senate upon [to make] full examination of such testimonials and the Report of the Caput upon the same, and if, in their discretion, they shall think fit so to do, or if the same shall be required by any Statute of the said University to be passed for that purpose, then, by personal, public, oral examination of such Candidates, and by all such other ways, methods and means as shall, or may, be directed in that behalf by any such University Statute, to select [four] *three* of the Candidates for the said Chair, [who] *whom*, in their

Appointment of Professors to be in the Crown, out of three to be reported by Senate. Manner of making the selection of such three.

Senate to examine testimonials, etc.

judgment, the said Senate shall deem best qualified to fill the same, with advantage to the said University, and to transmit the names of such [four] *three* Candidates, together with their testimonials, the Report of the Caput thereon, and their own Report or Resolutions, adopting, qualifying, or dissenting from, such Report, or any part thereof, with their reasons therefor, and for the selection of such [four] *three* Candidates to the Governor, or Person administering the Government of this Province for the time being, through the Provincial Secretary thereof; and it shall and may be lawful for the said Governor, or Person administering the Government of this Province for the time being, through the Provincial Secretary thereof; and it shall and may be lawful for the said Governor, or Person administering the Government of this Province for the time being, to appoint some one of the said [four] *three* Candidates to fill such vacant Chair in the said University.

Proviso: Interval between Caput's Report and sittings of Senate thereon.

Provided always, nevertheless, *firstly*, that no sitting of the Senate of the said University shall be held to take such testimonials, and the Report of the Caput thereon, into consideration, or for the examination of the Candidates for such Chair, within a shorter period than one calendar month after such Report of the said Caput shall have been prepared, and the notice of such sittings addressed to the different Members of the said Senate, delivered to the Post Office, as aforesaid; And provided also, *secondly*, that in case there shall not be as many as [four] *three* of the said Candidates for such vacant Chair whom the Senate shall, in their judgment, deem qualified to fulfil the duties thereof, as aforesaid, they shall, nevertheless, still transmit the names of [four] *three* of such Candidates, if there shall have been so many, and shall, in so transmitting the same, state which of such [four] *three* Candidates they do not deem sufficiently qualified to be appointed to such vacant Chair, as aforesaid, and the grounds of such opinion; And provided also, *thirdly*, and lastly, that, during the vacancy of any such Chair, such temporary provision shall and may be made by the Caput of the said University for the performance of the duties attached to the same, as shall or may be directed and appointed by any University Statute to be passed for that purpose.

Proviso: If three be not found capable of filling chair, fact to be stated in Report of Senate.

Proviso: Temporary provision to be made during the vacancy.

Senate to have power to suspend a Professor.

XXV. *And be it enacted*, That it shall and may be lawful for the Senate of the said University, upon the Report of the Vice-Chancellor thereof, or upon that of a Committee of its own Members, to suspend any Professor of the said University from his office, for any just and reasonable cause to them appearing;

Proviso: Entry to be made of the grounds of suspension. Effect of suspension.

Provided always, nevertheless, *firstly*, that the grounds of every such suspension shall be entered and recorded at length on the Books of the said Senate; and every Professor, so suspended, shall thereupon cease from the performance of his duties, and from the exercise of his rights, functions and privileges, until and unless such suspension shall be removed by the Visitor of the said University under his Privy Seal; And provided also, *secondly*, that a copy, duly authenticated, of the entry and record of such suspension, and the grounds thereof, be forthwith transmitted to the said Visitor through the Provincial Secretary; And provided also, *thirdly*, that the continuance of any such suspension for a period of three calendar months continually, without any appeal by such Professor to the said Visitor against such decision of the said Senate, shall, *ipso facto*, vacate such Professorship, as if the Professor so suspended were naturally dead; And provided also, *fourthly*, and lastly, that during every such suspension, such temporary provision shall and may be made by the Caput of the said University for the performance, in the best manner within their power, of the duties of such suspended Professor, as is hereinbefore provided with respect to those of a vacant Chair.

Proviso: Copy to be sent to Visitor.

Proviso: Suspension for three months, without appeal, to vacate the Chair.

Proviso: Temporary provision for performance of duties.

Governor may remove any Professor on report of Senate.

XXVI. *And be it enacted*, That if, upon the report of the Vice-Chancellor, or upon that of a Committee of their own Members, the Senate of the said University, after affording to the party all reasonable opportunity of being heard in his defence, shall report to the Governor, or Person administering the Government of this Province, for the time being, through the Provincial Secretary thereof, their opinion, that any Professor of the said University ought to be removed from his Professorship, and shall, in such report, set forth, at length, the grounds and reasons for such opinion, it shall and may be lawful for the Governor, or Person administering the Government thereof for the time being, if he shall deem it just and proper so to do by an Instrument under his Privy Seal, to remove such Professor from his Professorship, and thereupon such Chair shall be dealt with as if it had become vacant by the death of such Professor.

Examinations for Professorship or Degrees to be open, and by what Examiners.

XXVII. *And be it enacted*, That the examinations of Candidates for Professors, Chairs, and for Degrees in Arts and Faculties in the said University, shall be public, and shall be conducted by such, and so many, Examiners as shall, or may, be appointed by the Senate of the said University, according to the provisions of any University Statute, or Statutes, to be passed for that purpose.

University not to confer any Degree in Divinity, but in all the other Arts and Faculties.

XXVIII. *And be it enacted*, That the said University shall have no power to confer any Degree in Divinity, but shall have full power and authority to confer all other Degrees in all other Arts and Faculties whatsoever, including Honorary Degrees, and Degrees *ad eundem*, and all other University powers and privileges, as fully and effectually to all intents and purposes whatsoever, as such power and authority is held, possessed, or enjoyed by the Universities of Great Britain and Ireland, or any of them;

Proviso: As to Degrees *ad eundem*.

Provided always, nevertheless, that Degrees *ad eundem* shall, by the said University, be conferred only upon the Graduates of Universities within Her Majesty's Dominions, or on the Graduates of such Foreign Universities as shall, or may, from time to time be declared entitled to the said privilege by a Statute, or Statutes, of the said University to be passed for that purpose.

No religious test required of persons admitted into University, or to any Office therein.

XXIX. *And be it enacted*, That no Religious Test, or qualification whatsoever, shall be required of, or appointed for, any Person admitted or matriculated as a Member of such University, whether as a Scholar, Student, Fellow, or otherwise, or of, for any Person admitted to any Degree in any Art, or Faculty, in the said University, or of, or for any Person appointed to any Office, Professorship, Lectureship, Mastership, Tutorship, or other place, or employment, whatsoever, in the same, nor shall Religious Observances, according to the forms of any particular Religious Denomination, be imposed upon the Members or Officers of the said University, or any of them.

University not to borrow money, except by Statute, nor without providing a Sinking Fund to pay off the Loan in twenty years.

XXX. *And be it enacted*, That it shall not be lawful for the Chancellor, Masters and Scholars of the University of Toronto, or for the said Endowment Board, on their behalf, to borrow any money on the security of the said University, or of the Funds or other Property thereof, or otherwise howsoever, except under the authority of a Statute of the said University, by which Statute there shall, at the *same* time, be appropriated such an amount of the annual Income of the said University, arising from the Interest and Dividends of money actually invested under the authority of the Thirty-eighth Section of this Act, as shall be sufficient to meet the annual interest upon such loan, and, in addition thereof, a sufficient sum *per centum per annum* upon the original principal of such Loan, to constitute a Sinking Fund for the final redemption, satisfaction and discharge of the said original principal of such Loan within, at least, twenty years from the time of the contracting

Rank of such appropriation as a charge on the University Fund.

of the same, and the annual interest of such Loan, and the annual appropriation for such Sinking Fund, for the redemption and satisfaction thereof, shall constitute an extra charge upon the Income Fund of the said University, as hereinafter established, which, so long as any part of the said principal of such Loan shall remain unpaid, shall take precedence of the fourth, fifth and sixth ordinary annual charges upon such Income Fund, as the same are respectively charged and imposed upon the same by the Fortieth Section of this Act; and until such payment and satisfaction of the whole principal and interest of such Loan, any University Statute, either Visitorial or Senatorial, whereby such provision shall, or may be, attempted to be repealed, or altered, shall be null and void to all intents and purposes whatsoever.

Statute not to be repealed.

A copy of every Book, etc., published in the Province, to be presented to the Library of the University. And of any further editions.

XXXI. *And be it enacted*, That a printed copy of the whole of any Book which shall be published in this Province, after the passing of this Act, whether consisting of the whole, or only a part, of a Volume, if separately published, together with all Maps, Prints, or other Engravings belonging thereto, and of every Pamphlet, Sheet of Letter Press, Sheet of Music, Map, Chart, or Plan, separately published, furnished and coloured in the same manner as the best copies of the same shall be published, and also of any second, or subsequent, edition which shall be so published, with any additions, or alterations, whether the same shall be in Letter-press, or in the Maps, Prints, or other Engravings belonging thereto, and whether the first edition of such Book shall have been published before, or after, the passing of this Act, bound, sewed, or stitched together, as offered for sale generally by the Publisher thereof, and upon the best paper upon which the same shall be printed, shall, within six calendar months after the same shall first be sold, published, or offered for sale, be delivered, on the part of the Publisher, at the Library of the said University, and a receipt taken for the same from the Librarian, which receipt shall set forth the title and edition of such Book at length, and, upon demand, be given by such Librarian to the Person depositing such copy at the said Library; and, on default of such delivery within the time aforesaid, the Publisher of every such Book, Pamphlet, Sheet of Letter-press, Sheet of Music, Map, Chart, or Plan, shall forfeit, besides the value of such copy which he ought to have delivered, a sum not exceeding Five Pounds, to be recovered by the Librarian, or other Officer, or Agent, of such Librarian, properly authorized for that purpose, for the use of the said University, to be applied for the augmentation of the said Library, to be recovered in a summary way on conviction before any two Justices of the Peace for the District, County, City, or place where the Publisher making default shall reside, or be found, or in the name of the Chancellor, Masters and Scholars of the said University, in an action of debt, or other proceeding of the like nature, in any Court of competent jurisdiction in this Province, in which action the said University, if they shall recover, shall recover the costs reasonably incurred, to be taxed as between Attorney and Client.

Penalty for not presenting such copy.

Property of University vested in Corporation.

XXXII. *And be it enacted*, That all the Property and Effects, real and personal, of what nature or kind soever, now belonging to, or vested in, the said University, or in the Chancellor, President and Scholars thereof, or in any other Person, or Persons, or Body Corporate, or Politic, whatsoever, for the use or benefit of the said University shall be, and continue vested in the Chancellor, Masters and Scholars of the University of Toronto, to hold to them and their Successors, to the use of them and their Successors forever, anything in the said Charter of His said late Majesty, in any Act of the Parliament of the late Province of Upper Canada, or of this Province, or in any Letters Patent, Royal Charters, Deeds, or other Instruments, to the contrary thereof in any wise notwithstanding.

Corporation to have power to sue for debts due the University, etc.

XXXIII. *And be it enacted*, That all Debts due to the said University, or to the Chancellor, President and Scholars thereof, in their Corporate capacity, and all Judgments, Recognizances, Bonds, Covenants, and other Instruments, or Contracts, suffered, acknowledged, or given to, or made with them, as aforesaid, or with the Chancellor, President and Scholars thereof, in their Corporate capacity, by whatsoever name the same may have been suffered, acknowledged, given, or made, or shall be available, stand and continue of good purport, and full force and strength to the Chancellor, Masters and Scholars of the University of Toronto, as if the said University had been therein named by the Corporate name hereby given to the same; and it shall and may be lawful for the said University, by the Corporate name last aforesaid, to proceed upon the same, by execution or otherwise, and recover thereon, as if the same had been suffered, acknowledged, or given to, or made, with them, by the name last aforesaid.

Corporation liable for all debts due by University.

XXXIV. *And be it enacted*, That the Chancellor, Masters and Scholars of the University of Toronto shall, both in Law and Equity, be liable to all the present existing Debts, Contracts and Agreements of the said University, and may be sued upon and recovered against for the same, as if the same had been contracted, or entered into, by them, by the name aforesaid.

Fiscal year to be the same as the calendar year.

XXXV. *And be it enacted*, That the Fiscal year of the said University shall commence on the First day of January, and end on the Thirty-first day of December in each year.

Salaries to be payable quarterly.

XXXVI. *And be it enacted*, That the salaries of the different Professors, Lecturers, Teachers, Officers and Servants of the said University shall, by the Statutes establishing the same, be made payable quarterly, on the first quarter-days of such Fiscal year, that is to say, the first days of January, April, July, and October in the same.

None of real property, etc., to be disposed of, but by Statute.

XXXVII. *And be it enacted*, That none of the Real Property of the said University, and none of the Property thereof invested, according to the directions of either the Thirty-eighth or Forty-second Sections of this Act, shall be disposed of, or applied, otherwise than by authority of a Statute of the said University.

Proceeds of Sales of Lands, etc., to form one Investment Fund.

XXXVIII. *And be it enacted*, That the proceeds arising from the sales of any of the Lands referred to, in the Thirty-seventh Section of this Act, which it shall, from time to time, be deemed expedient by the said University to sell and dispose of, and all moneys received upon investments called in, or paid off, together with any surplus of the Income over the expenditure of the said University, as provided by the Forty-second Section of this Act, shall form a Fund, to be called in the Books of the said University "The University Investment Fund," the moneys at credit of which Fund shall, from time to time, be invested in such Government, or landed, securities as shall be approved of by the Senate of the said University.

How to be invested.

Annual Income, etc., to form Income Fund.

XXXIX. *And be it enacted*, That the annual income of the said University, arising from the fees and dues payable to the same, for Matriculation, Lectures, Tuition, Degrees, or otherwise, or from such portion thereof, as by any Statute, or Statutes, of the said University, shall be payable into the General Funds of the said University, and not to the Professors or Officers thereof, and from the annual or other periodical rents, interests and dividends arising from the Property and Effects of the said University, of what nature or kind soever, whether real or personal, together with all such annual, or other donations, or subscriptions, as may be made to the said University for the general benefit thereof, without being specifically appointed by the Donor to any particular object or purpose, shall form another Fund, to be called "The University Income Fund," the moneys at the credit of which last mentioned Fund shall be appropriated and applied to make good and satisfy

How to be appropriated and applied.

the several charges by the next following Section of this Act, charged and imposed upon the said Fund, in order in which such charges are therein charged and imposed upon the same.

Order of charges upon the Income Fund.

First.

Second.

Third.

Fourth

Fifth.

Sixth.

XL. *And be it enacted*, That the *first* annual charge upon the said "University Income Fund" shall be the necessary expenses incurred in the receipt, collection and management of the moneys of the said University, as well as those constituting the Investment Fund, as those constituting the said Income Fund; the *second* charge upon such Income Fund shall be the necessary outlay for Taxes, Insurance and Repairs of the Buildings and other Property of the said University; the *third* charge upon such Income Fund shall be the salaries of the Bursar, Librarian, and other similar Officers, or those of the Lecturers and other Teachers, not being Professors, and the salaries, wages and allowances of all subordinate Officers and Servants of the said University; the *fourth* charge upon the said Fund shall be such sum of money as, by any Statute or Statutes of the said University to be passed for that purpose, shall be annually appropriated for the Incidental Expenses of the said University for the fiscal year, or so much of such sum as shall be required for such Incidental Expenses; the *fifth* charge upon such fund shall be the salaries of the Vice-Chancellor, President and Professors of the said University, and so much of those of the Members of the Endowment Board of the said University and College as shall be payable out of the Funds of the said University; and the *sixth* and last charge, such special appropriations out of the said Income Fund for such year, as shall have been directed to be made by any Statute of the said University passed for that purpose.

Deductions from Salaries to meet deficiencies of Income.

XLI. *And be it enacted*, That, whenever the Income Fund of the said University, for any year, shall not be sufficient to satisfy and discharge the different charges upon the same, for such year, as herein provided, the amount of the deficiency for such year shall be *supplied from the surplus Income Fund, which has not yet been carried to the Investment Fund, or shall be* deducted in equal proportions from all the salaries, constituting the fifth annual charge upon such Fund for the following year, by proportionate quarterly deductions from such salaries as the same become respectively payable at each financial quarter of such following year;

Proviso: Such deductions to be made up out of any surplus during the six following years.

Provided always, nevertheless, *firstly*, that the parties whose receipts of salaries have been diminished by such proportionate deductions, as aforesaid, shall be entitled to have such deficiency made good in part, or in the whole, as the case may be, out of any surplus, or surpluses, of Income over Expenditure, that may accrue during the [five] *six* years next ensuing that in which such proportionate deductions shall have been so made, as aforesaid; Provided also, *secondly*, that for the deficiency thus occasioned in such salaries, and which, at the end of every [fifth] *sixth* year may yet remain unsatisfied, as aforesaid, the Incumbents to whose Offices, or Chairs, such salaries shall be attached respectively, shall have no claim upon the said University, or upon the Funds thereof, but the amount of such salaries received by each of such Incumbent, according to the provisions of this Act, shall be deemed and taken to have been received by him, in full satisfaction and discharge of the whole of his salary for such [five] *six* years, for which such proportion of the same shall have been paid to him as aforesaid.

Surplus of Income Fund to be transferred to the Investment Fund.

XLII. *And be it enacted*, That the surplus, if any, of the said "University Income Fund," after satisfying and discharging the several charges, whether ordinary, or extra, by this Act charged upon the same, shall be annually transferred to the "Investment Fund" of the said University, and, with the other moneys belonging to that Fund, shall be, from time to time, invested as in and by the Thirty-eighth Section of this Act is declared, so

that there shall be no balance of the said Income Fund to be carried forward from one fiscal year to the next.

Upon surrender by any existing College having University powers of all but the power of conferring Degrees in Divinity, it shall have the right to send a member to the Senate.

XLIII. *And be it enacted*, That, so soon as any of the Incorporated Colleges, Collegiate Institutions, or Universities in Upper Canada, having the power of conferring Degrees, not only in the Faculty of Divinity, but *in* the other Arts and Faculties also, shall have signified to the Governor, or Person administering the Government of this Province for the time being, under their Corporate Seal, their desire to become entitled to appoint a Member to the Senate of the said University, according to the provisions of this Act in that behalf, it shall and may be lawful for the Crown, by Letters Patent under the Great Seal of the Province, reciting such Instrument, to declare so much of the Charter of such College, Collegiate Institution, or University, whether the same shall be granted by Parliament, or otherwise, as shall have been granted to, or vested in, such College, Collegiate Institution, or University, the power of conferring such Degrees,—(saving always, nevertheless, to such College, Collegiate Institution, or University, the power of conferring Degrees in the Faculty of Divinity,)—to be from the date of such Letters Patent, or from such other day as may be named therein, for that purpose, *to be* repealed, abrogated and annulled, and thereupon, from such day all such powers and privileges, with the saving aforesaid, shall be, and the same are hereby, declared to be absolutely repealed, abrogated and annulled accordingly, anything in the several Charters of such Colleges, Collegiate Institutions, or Universities, whether granted by the Parliament or otherwise, to the contrary thereof, in any wise notwithstnding.

Abrogation of powers surrendered.

Present Statutes of the University to remain in force till altered or repealed.

XLIV. *And be it enacted*, That all Statutes, Rules and Ordinances of the said first mentioned University in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force till repealed, altered, or amended, by some other Statute of the said University, either [Visitorial,] *Visitatorial*, or Senatorial, to be hereafter enacted, or passed, for that purpose.

Existing Degrees conferred or terms kept confirmed.

XLV. *And be it enacted*, That nothing herein contained shall be deemed, in any manner, to affect any Degrees conferred, or Terms kept, or Studies, or exercises performed, in the said University, and the same shall be valid and effectual for all purposes whatsoever; and the same shall continue to be deemed degrees conferred, and Terms kept, and Studies and Exercises performed, in the said University, as if this Act had not been passed.

Present Professors, except the Professor of Divinity, to remain until removed.

XLVI. *And be it enacted*, That, with the exception of the Professor of Divinity, Professor, Lecturer and Officer of the said University, now actually holding a Chair in the same, shall continue to hold his Chair, Place, or Office under a new Warrant, to be issued to him for the same, until he shall be removed therefrom in the manner prescribed by this Act;

Proviso: The Commission of Visitation may rearrange the Chairs, etc.

Provided always, nevertheless, that nothing herein contained shall prevent, or be construed to prevent, the Commission of Visitation to be issued, as hereinafter directed, or any other such Commission of Visitation, or any University Statute to be passed for that purpose, for rearranging such Chairs, or the duties attached to the same respectively, or from adding to, varying, or deducting from, the duties of the Chair, or Chairs, held by any such Professor, Lecturer, or Teacher, in the said University, or from so altering, or varying, the amount of salary, or emolument, receivable by any such Professor, Lecturer, or Teacher, as shall be necessary to give effect to the provisions of this Act, for the prevention of the dissipation of the Endowment, or Capital Stock, of such University, and restricting its expenses and disbursements to the amount of its annual Income from the same.

Or to vary the Salaries.

Recital.

XLVII. *And whereas*, for the purpose of adapting the Statutes of the said University to the alterations hereby made in the Charter thereof, it is desirable that a Commission of Visitation should be issued, to consider of, and report upon, the same;

Commission of Visitation to be issued to adapt Statutes to alterations in Charter.

Be it therefore enacted, That so soon after the passing of this Act as to the Governor, or Person administering the Government of the Province for the time being, shall deem expedient, a Commission of Visitation under the Great Seal shall be issued, directed to not less than five Commissioners, who shall be thereby directed to confer with the Authorities of the said University upon the subject of such alterations and amendments in, or to, such Statutes, Rules, or Ordinances, as they shall think proper to recommend for this purpose, and generally for the well ordering of the said University, and thereupon to report a Code of proper Statutes, Rules and Ordinances for the Government of the said University, which Code, having been first approved by the Governor, or Person administering the Government of the Province for the time being, shall be obeyed in future, in the said University, until, by lawful authority, the same shall, or may be, amended, altered, or repealed.

Code reported and approved to be in force, etc.

Recital of the cases of certain Professors.

XLVIII. *And whereas* certain of the Professors of the said University claim to have been induced to give up certain preferments, or other pursuits, or employments, in which they were at the time engaged, and from which they were deriving their support, for the purpose of accepting certain of the Chairs in the said University under the expectation of such appointments being permanent, and with the assurance that the emoluments thereof would, at least, be equal to certain specified amounts respectively, and it is, therefore, expedient that the cases of such Persons, *and of others who can advance just claims to compensation for services performed to the said University*, should be specially enquired into and reported upon, with a view to ascertaining the merits of their respective cases, and how far, if their claims be found just, some reasonable satisfaction may be afforded them for such losses as they may have sustained, or may sustain, from such expectations and assurances not having been realized;

Commission of Visitation to consider cases of Professors, who have been disappointed in expectations held out to them, etc.

Be it therefore enacted, That the said Commissioners shall be directed by such Commission of Visitation to enquire into the case of any such Person, upon the same being specially referred to them by the Governor, or Person administering the Government of the Province for the time being, through the Provincial Secretary thereof, and if, upon any such reference, they shall find any such Person reasonably entitled to any such satisfaction, they shall report the same, and, if they shall deem proper, shall report one, or more, Statutes, Rules, or Ordinances, for providing for such satisfaction, if they shall find the Funds of the said University adequate to bear the same.

Commission of Visitation to report upon the Chair of Agriculture.

XLIX. *And be it enacted*, That the said Commissioners shall be further directed by the said Commission of Visitation to consider and report upon the best means of making the Chair of Agriculture, recently established in the said University, more efficient and useful; and to consider and report, generally, upon the best means of making the said University, as far as its Funds will permit, the instrument of drawing forth and stimulating the talent of the youth of Upper Canada, by the establishment of Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, and by such other means as, in their judgment, may be best adapted to such end.

Recital.

L. *And whereas* it is expedient to stimulate the youth of the Province to avail themselves of the benefit of a University of Education, by the establishment of a certain number of Scholarships in the said University, for each County of Upper Canada, for the purpose of assisting, (as far as possible,) with pecuniary aid, those of the deserving youth of each County whose

parents may be unable to meet the expense necessarily attendant upon such an education;

Commissioners to be directed to provide for Scholarships, etc.

Be it therefore enacted, That it shall be the duty of the said Commissioners, in the Code of Statutes, so to be reported by them as aforesaid, to provide for the establishment of four Scholarships for each County in Upper Canada, so soon as the funds of the said University shall permit, and to regulate everything appertaining to the election, rights, privileges and emoluments of such Scholars to be elected to the same;

Proviso: Scholars to attend Classes gratis, and some to have Stipends.

Provided always, nevertheless, *firstly*, that the Scholars elected to fill such Scholarships shall be entitled to attend all Classes and Lectures in the said University, and enjoy all the advantages afforded therein, without payment of any fee for the same; and that two of the four Scholarships, so to be founded for each County, shall be endowed from the University Funds with such an annual stipend as, in the estimation of the said Commissioners, the said Funds may permit; Provided also, *secondly*, that no County shall be entitled to claim the benefit of the Scholarships to be so founded, or any of them, unless the Municipal Council of such County shall have provided, permanently, sufficient funds for the endowment of one, or both, of the Scholarships to be so founded, but not endowed from University Funds, according to the rate fixed by such Commissioners; and, upon such provision being made by the Municipal Council of any County, the Senate of the said University shall proceed to fill up either one, or both, the said Scholarships according to the sum provided by the said Municipal Council, and shall, at the same time, according to circumstances, fill up either one, or both, the Scholarships to be endowed from University Funds, it being the intention of this Act that the Scholarships to be endowed from University Funds shall only be filled up so far, and so long, as the several Counties respectively shall provide Funds for the support of those to be endowed from those sources;

Proviso: Conditions on which a County shall have the benefit of Scholarships.

Proviso: Scholarships to be filled up on Public Examination.

Provided also, *thirdly*, that the said Scholarships shall be filled up by the Senate of the said University upon public examination to be held before that Body by Examiners to be by them appointed, and the selection shall be made out of such a number of the Youth of each County as shall have been admitted to contend for such Scholarships by the Certificate of the Municipal Council of such County; Provided also, *fourthly*, that no Person shall be admitted as a Candidate for such Scholarships unless he shall have received a Certificate of birth, or residence, from the Municipal Council of the County, to which such Scholarships shall belong, as aforesaid; And provided also, *fifthly*, that no Person shall be deemed one of the Youth of any given County, within the meaning of this Section, unless he shall have been born in such County, or unless his Parents, or surviving Parent, or one of them, shall have been stated resident of such County for five years continually prior to the granting of such Certificate, and shall, at the time of granting such Certificate, be still stated residents or a stated resident thereof, or, if they be both dead, then, unless they, or the Survivor of them, shall have been such stated resident for the five years next preceding and at the time of their death or the death of the Survivor of them;

Certificate of Birth or residence required.

Who to be deemed the Youth of a given County.

Proviso: Duration of Certificate.

Provided also, *sixthly*, and lastly, that every such Certificate shall remain in force for one year from the granting thereof, and no longer, *after which it shall and may be renewed if the party remains entitled to it as at the first;*

Proviso: For conversion of present Scholarships.

And provided also, seventhly and lastly, that it shall and may be lawful for such Commissioners, and they are hereby required to make provision for preserving all Scholarships now existing in the said University on their present footing for the space of five years next after the passing of this Act for the benefit of such persons as have already commenced a course of study, with a view to compete for the same, or have obtained any such Scholarship.

III. Upper Canada College and the Royal Grammar School.

LI. *And whereas*, by the said Act of 1837, passed in the Seventh year of the Reign of His late Majesty, King William the Fourth, it was, amongst other things, enacted: That the College, then lately erected in the City of Toronto, should be incorporated with, and form an Appendage of the said University, to confer upon it a more independent organization for the regulation of its own affairs than it at present possesses;

Upper Canada College and Royal Grammar School to remain an appendage of University under a separate organization and incorporated. Corporate name and powers.

Be it enacted, That the Principal, Masters and Scholars of the said College, for the time being, shall henceforth, by and under the name of the "Principal, Masters and Scholars of Upper Canada College and Royal Grammar School," be a Body Corporate and Politic, in fact and in name, and shall have perpetual succession and a Common Seal, with power to change, alter, or make anew, the same; and shall and may, by the name aforesaid, contract and be contracted with, sue and be sued, implead and be impleaded with, answer and be answered unto, in all Courts and places whatsoever; and that they, and their Successors, by and under the name aforesaid, shall be able and capable in law of purchasing, acquiring, taking, having, holding and enjoying by gift, grant, conveyance, devise, bequest, or otherwise, to them and their Successors, any estate or Property, real or personal, to and for the use of the said College and Royal Grammar School, or to, for, or in trust for any other use or purpose whatsoever, in any way connected with the advancement of Education, and of letting, conveying, or otherwise disposing thereof, from time to time, as they may deem necessary or expedient.

Governor to be Visitor, etc.

LII. *And be it enacted*, That the Governor, or Person administering the Government of this Province for the time being, shall be the Visitor of the said College and Royal Grammar School, on behalf of Her Majesty, Her Heirs

Power to be exercised by Commission.

and Successors, which Visitorial Power shall and may be exercised by Commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor, or Person administering the Government of this Province-in-Council, shall be binding upon the said College and Royal Grammar School, and all others whomsoever.

Principal to be appointed by Crown on recommendation of Senate of University.

LIII. *And be it enacted*, That there shall be, in the said College and Royal Grammar School, a Principal, who shall be appointed by the Crown, upon the Report, or Resolution, of the Senate of the said University, made upon the proceedings and in the manner hereinbefore provided for in respect of the appointment to Chairs in the said University;

Proviso: To be a subject of Her Majesty, and not hold any other educational appointment.

Provided always, nevertheless, *firstly*, that the person so to be appointed Principal shall be a natural born, or naturalized, subject of Her Majesty, and shall not, at the time of his appointment, or while he shall continue Principal thereof, hold any office, place, or appointment, in any other University, College, Seminary, School, or place of Learning or Education, in this Province, or elsewhere; And provided also, *secondly*, that such Principal shall, during the time that he shall hold such office, reside within the said College and Royal Grammar School, or, if permitted so to do by any Statute of the said College and Royal Grammar School to be passed for that purpose, then in such other place as may be prescribed by such Collegiate Statute; And provided also, *thirdly* and lastly, that, during the vacancy of the office of Principal of the said College or Royal Grammar School, such temporary provision shall and may be made by the Council of the said College and Royal Grammar School for the performance, in the best manner in their power, of the duties attached to such office as shall, or may, be directed, or appointed, by any College Statute to be passed for that purpose.

Proviso: As to residence in College, etc.

Proviso: As to performance of duties during any vacancy.

Ordinary General Discipline, etc., in whom vested.

LIV. *And be it enacted*, That the Ordinary General Discipline and Government of the said College and Royal Grammar School, in subordination to the Council thereof, shall be vested in and exercised by the Principal thereof;

Proviso:

Provided always, nevertheless, *firstly*, that *the Principal is hereby directed* in all matters *and cases that, in his judgment, shall appear of weight and importance, to confer upon the same with the Senior Master of the said College and Royal* Grammar School for the time being; and

Appeal to Council in certain cases.

Provided always, also, *secondly*, that in all matters directly affecting any of the Masters of the said College and Royal Grammar School, or involving the expulsion of any Member from the same, an appeal shall lie from the decision of the said Principal to the Council of the said College; And provided always also [secondly,] *thirdly*, that the mode and manner of exercising the powers, hereby vested in the said Principal, shall and may, from time to time, be regulated and directed by Statutes of the said College and Royal Grammar School to be passed for that purpose.

Principal to report annually to College Council, and transmit duplicate to the Governor.

LV. *And be it enacted*, That it shall be the duty of the Principal of the said College and Royal Grammar School to make an Annual General Report to the Council thereof on the general state, condition, progress and prospects of the said College, and all things touching the same, and to make such suggestions, as he may think proper, for the improvement of the same; a duplicate of which said Report the said Principal shall transmit to the Governor, or Person administering the Government of this Province for the time being, through the Provincial Secretary thereof.

College Council, how constituted.

LVI. *And be it enacted*, That there shall be in the said College and Royal Grammar School a Deliberative Body, to be called "The College Council" thereof, which shall consist of the Principal of the said College and Royal Grammar School for the time being, when such office shall not be vacant, and the two Senior Masters of the said College and Royal Grammar School, not being the Principal thereof, together with two other Masters thereof. *Four other persons* to be appointed by the Crown, during pleasure, of which Council any [four] *three* Members shall be a Quorum for the despatch of business;

Quorum.

Proviso: Crown members not to be Ecclesiastics.

Provided always, nevertheless, *firstly*, that no Person shall be qualified to be appointed by the Crown to such seat in the said Council who shall be a Minister, Ecclesiastic, or Teacher, under, or according to, any form or profession of Religious Faith or Worship whatsoever; And provided also, *secondly*, that no Person shall be qualified to be so appointed who shall not have taken the Degree of Master of Arts in the said University of Toronto at least five years prior to the time of his appointment to such seat; And provided also, *thirdly* and lastly, that the restriction contained in the said last foregoing Proviso to this Section shall not apply to any appointment to be made to such Council prior to the year of Our Lord one thousand eight hundred and sixty.

Qualification of Crown members.

Proviso: Last Proviso not to take effect till 1860.

Who shall call and preside at such meetings of the Council.

LVII. *And be it enacted*, That the Principal of the said College shall *have the power of calling special meetings of the said Council, and shall* preside at all meetings of the said Council at which he shall be present, and that, in his absence, the Senior [Master] *Member of the said Council* present shall preside in his place.

Council to make College Statutes, etc., for certain purposes.

LVIII. *And be it enacted*, That the Council of the said College and Royal Grammar School shall have full power and authority to frame and make such Statutes, Rules and Ordinances as they may think necessary, or expedient, touching or concerning the good government of the said College and Royal Grammar School, or touching or concerning the different Masterships and Teacherships in, or belonging to, the same, including that of the Principal;

Meeting of Council.

the Studies, Examinations and Exercises to be pursued, had, or held therein, and all matters touching the same; and for summoning and holding regular, or special, meetings of the said Council, and all matters relative to the same; the duties of the Principal; and the residence and duties of the Principal, Masters and Teachers of said College and Royal Grammar School; the number of Exhibitions and other Prizes of and in the said College and Royal Grammar School, and all matters relative to the creation of, examination for, and conferring of the same; the number, residence, appointment and duties of all the Officers and Servants of the said College and Royal Grammar School; the management of the Property and Revenue thereof; the salaries, stipends, provision, fees and emoluments, and for the Principal, Masters, Teachers, Officers and Servants of the said College and Royal Grammar School, and generally concerning any other matter, or thing, for the well-being and advancement of the said College and Royal Grammar School; and also, from time to time, to revoke, renew, augment, or alter, all, every, or any of the said Statutes, Rules and Ordinances as to them shall seem meet, or expedient;

Duties of etc. Officers and Servants. Salaries, fees, etc.

Altering Statutes.

Proviso: Statutes not to be repugnant to the law.

Proviso: Not to be passed and proposed at the same meeting.

Proviso: To be approved by Caput of University.

Provided always, nevertheless, *firstly*, that such Statutes, Rules, or Ordinances, or any of them, shall not be repugnant to the laws, or Statutes, of this Province; Provided also, *secondly*, that no such Statute, Rule, or Ordinance shall be passed and adopted at the same meeting at which it is first introduced and considered, but that a second meeting of the said Council shall be specially convened for the passing and adopting any such Statute, Rule and Ordinance; And provided also, *thirdly*, That no such Statute, Rule, or Ordinance shall have any force or effect until it shall have been approved by the Caput of the said University; and

Proviso: Crown may disallow any Statute within two years.

Provided always, also, *fourthly*, and lastly, That it shall and may be lawful for the Crown, at any time within two years from the passing of any such Statute, Rule, or Ordinance, by Letters Patent, under the Great Seal of this Province, to disallow such Statute, Rule, or Ordinance, and thereupon every such Statute or Ordinance shall, from the date of such Letters Patent, stand repealed, and be of no force or effect whatsoever.

Endowment Board to have charge of property of College.

LIX. *And be it enacted*, That it shall be the duty of the Endowment Board of the said University and College to take upon themselves the general charge, superintendence and management of the whole Property and Effects, real and personal, of the said College and Royal Grammar School, under the direction of such College Statutes as shall, or may, be passed for that purpose;

Proviso: To give all information required by Governor, Principal of College, etc.

Provided always, nevertheless, *firstly*, that such Endowment Board shall, from time to time, and at all times, as the same may be required, afford to the Governor, or Person administering the Government of this Province for the time being, and also to the Principal and Council of the said College, or to such Committee, or Committees, of such Council as they may appoint for that purpose, all such information respecting such Property and Effects, and the whole fiscal, or financial, affairs of the said College and Royal Grammar School as the said Governor, or Person administering the Government of the Province, or the said Principal, or Council, or any such Committee, or Committees of such Council shall, or may, from time to time, require; And provided also, *secondly*, that they shall, in like manner, afford the like information to the Auditors to be appointed annually for auditing the Accounts of the said College and Royal Grammar School; And provided also, *thirdly*, and lastly, that it shall, moreover, be the duty of such Board, annually, to make a full Report of the state of the Property and Effects under their charge, superintendence and management, and of the whole fiscal, or financial, affairs of the said College to the Council of the said College and Royal Grammar

Proviso: The like to Auditors.

To make an Annual Report to the Council, and transmit duplicate to the Governor.

School, and, at the same time, to transmit a duplicate of such Report to the Governor, or Person administering the Government of this Province, through the Provincial Secretary thereof.

Two Auditors to be appointed to report to College Council, and transmit duplicate to Governor.

LX. *And be it enacted*, That there shall be two Auditors of Accounts of the said College and Royal Grammar School, to be appointed annually, one by the Principal of the said College, and the other by the College Council thereof, whose duty it shall be to examine and audit the Accounts of the said Endowment Board, as far as they regard the Property and Effects of the said College and Royal Grammar School generally, and to make a Report upon the same to the Council of the said College, a duplicate of which Report such Auditors shall transmit to the Governor, or Person administering the Government of the Province for the time being, through the Provincial Secretary thereof.

Masters to be appointed by Crown.

LXI. *And be it enacted*, That the Masters of the said College and Royal Grammar School shall be appointed by the Crown.

Senate of University may suspend Principal or Masters.

LXII. *And be it enacted*, That it shall and may be lawful for the Senate of the said University of Toronto, upon the Report of the Caput thereof, or upon that of a Committee of its own Members, to suspend the Principal of the said College and Royal Grammar School, or any of the Masters thereof, from his office, for any just and reasonable cause to them appearing;

Proviso: Grounds to be entered on Books of Senate.

Provided always, nevertheless, *firstly*, that the grounds of every such suspension shall be entered and recorded at length on the Books of the said Senate, and such Principal, or Master, so suspended shall thereupon cease from the performance of his duties, and from the exercise of his rights, functions andd privileges until, and unless, such suspension shall be removed by the Visitor of the said College and Royal Grammar School under his Privy Seal; And provided also, *secondly*, that a copy, duly authenticated, of the entry and record of such suspension, and the grounds thereof, be forthwith transmitted to the said Visitor through the Provincial Secretary; And provided also, *thirdly*, that the continuation of any such suspension for a period of three calendar months continually, without any appeal by such Principal, or Master, to the said Visitor, against such decision of the said Senate, shall, *ipso facto*, vacate such Principalship or Mastership, as if the party so suspended were naturally dead; And provided also, *fourthly*, that during every such suspension, such temporary provision shall and may be made by the Council of the said College and Royal Grammar School for the performance, in the best manner within their power, of the duties of such Principalship, or Mastership, as hereinbefore provided with respect to those of a vacant Chair in the said University.

Proviso: Copy of entry, etc., to be transmitted to the Visitor.

Proviso: Suspension for three months without appeal to vacate.

Proviso: Temporary provision to be made for performance of duties.

Governor may remove Principals and Masters on Report of Senate of University.

LXIII. *And be it enacted*, That if, upon the report of the Caput, or upon that of a Committee of their own Members, the Senate of the said University, after affording the party all reasonable opportunity of being heard in his defence, shall Report to the Governor, or Person administering the Government of this Province for the time being, through the Provincial Secretary thereof, their opinion that the Principal of the said College and Royal Grammar School, or any of the Masters thereof, ought to be removed from his office, and shall, in such Report, set forth at length the grounds and reasons for such opinion, it shall and may be lawful for the Governor, or Person administering the Government for the time being, if he shall deem it just and proper so to do, by an Instrument under his Privy Seal, to remove such Principal, or Master, from his said office, and, thereafter, such office shall be dealt with as if it had become vacant by the death of such Principal, or Master.

No Religious Test to be required.

LXIV. *And be it enacted*, That no Religious Test or qualification whatsoever shall be required of, or appointed, for any person admitted as a Member of such College and Royal Grammar School, whether as a Scholar, Student, Fellow, or otherwise, or of, or for any Person appointed to any office, Mastership, Teachership, or other place or employment, whatsoever in the same; nor shall Religious Observances, according to the forms of any particular Religious Denomination, be imposed upon the Members, or Officers, of the said College and Royal Grammar School, or any of them.

No Religious Observances imposed.

College not to borrow money, except under a Statute, nor without providing a Sinking Fund to pay the debt off in twenty years.

LXV. *And be it enacted*, That it shall not be lawful for the Principal, Masters and Scholars of the said College and Royal Grammar School, or for the Endowment Board of the said University and College, on their behalf, to borrow any money on the security of the said College and Royal Grammar School, or of the Funds, or other property thereof, or otherwise howsoever, except under the authority of a Statute of the said College and Royal Grammar School, by which Statute there shall, at the same time, be appropriated such an amount of the annual Income of the said College and Royal Grammar School, arising from the interest and dividends of money actually invested under the authority of the Seventy-second Section of this Act, as shall be sufficient to meet the annual interest upon such Loan, and, in addition thereto, a sufficient sum *per centum per annum* upon the original principal of such Loan, to constitute a Sinking Fund for the final redemption, satisfaction and discharge of the said original principal of such Loan, within at least twenty years from the time of the contracting of the same, and the annual interest of such Loan, and the annual appropriation of such Sinking Fund for the redemption and satisfaction thereof, shall continue an extra charge upon the Income Fund of the said College and Royal Grammar School as hereinafter established, which, so long as any part of the said original principal of such Loan shall remain unpaid, shall take precedence of the fourth, fifth and sixth ordinary annual charges upon such Income Fund as the same are respectively charged and imposed upon the same by the Seventy-fourth Section of this Act, and until such payment and satisfaction of the whole principal and interest of such Loan, any Collegiate Statute, either Visitatorial or Collegiate, whereby such provision shall, or may, be attempted to be repealed or altered, shall be null and void to all intents and purposes whatsoever.

Appropriation for Sinking Fund to be a charge on College property.

Statute not to be repealed until the loan is paid off.

Property of the College vested in the Corporation.

LXVI. *And be it enacted*, That *whatever shall remain of the original Endowment of the said College and Royal Grammar School, whether the legal Titles thereto be now vested in the said College and Royal Grammar School, or in the Principal, Masters and Scholars thereof, or in the said College, Collegiate Institution, or University*, and all *other* the Property and Effects, real andd personal, of what nature or kind soever, now belonging to, or invested in, the said College and Royal Grammar School, or in the Principal, Masters and Scholars therof, or *in the said College, Collegiate, Institution, or University*, or in any other Person, or Persons, or Body Corporate or Politic whatsoever, for the use, or benefit, of the said College and Royal Grammar School, shall be, and continue vested, *and the same and every part thereof are hereby transferred to and vested in the* Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, to hold to them and their Successors forever; anything in the said Act of the Parliament of the late Province of Upper Canada, or of this Province, or in any Letters Patent, Royal Charters, Deeds, or other Instruments, to the contrary in any wise notwithstanding.

Debts due to the College vested in the Corporation.

LXVII. *And be it enacted*, That all Debts due to the said College and Royal Grammar School, or to the Principal, Masters and Scholars thereof, in their Corporate capacity, and all Judgments, Recognizances, Bonds,

Covenants and other Instruments or Contracts suffered, acknowledged, or given to, or made with them, as aforesaid, or with the said College, Collegiate Institution, or University hereinbefore mentioned, on behalf of the said College and Royal Grammar School, or with the Chancellor, President and Scholars of the said University, on behalf of the said College and Royal Grammar School, by whatever name the same may have been suffered, acknowledged, given, or made, shall be available, stand and continue of good purport and full force and strength to the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, as if the said College and Royal Grammar School had been therein named by the Corporate Name hereby given to the same; and it shall and may be lawful for the said College and Royal Grammar School, by the Corporate Name last aforesaid, to proceed upon the same by execution, or otherwise, and recover thereon as if the same had been suffered, acknowledged, or given to, or made with them by the name last aforesaid.

And may be recovered by it.

LXVIII. *And be it enacted*, That, except as hereinafter excepted, the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School shall, both in Law and Equity, be liable to all the present existing Debts, Contracts and Agreements of the said College and Royal Grammar School, and may be sued upon and recovered against for the same, as if the same had been contracted, or entered into, by them, by the name aforesaid;

Corporation liable for all debts due to the College.

Provided always, nevertheless, that nothing herein contained shall extend, or be construed to extend, to the Debt now claimed to be due by the said College and Royal Grammar School to the said University, which Debt shall be, and the same is hereby, absolutely cancelled and discharged.

Proviso: Debt to University cancelled.

LXIX. *And be it enacted*, That the fiscal year of the said College and Royal Grammar School shall commence on the first day of January, and end on the thirty-first day of December in each year.

Fiscal year to correspond with calendar year.

LXX. *And be it enacted*, That the Salaries of the Principal, Masters, Teachers, Officers and Servants of the said College and Royal Grammar School shall, by the Statutes establishing the same, be made payable Quarterly, on the four Quarter days of each fiscal year, that is to say, the first days of January, April, July, and October in the same.

Salaries to be payable quarterly.

LXXI. *And be it enacted*, That none of the Real Property of the said College and Royal Grammar School, and none of the Property thereof invested, according to the directions of either the Seventy-second or Seventy-sixth Sections of this Act, shall be disposed of, or applied, or otherwise than by authority of a Statute of the said College and Royal Grammar School.

No real property, etc., to be disposed of, except by Statute.

LXXII. *And be it enacted*, That the proceeds arising from the sales of any of the Lands referred to in the Seventy-first Section of this Act, which it shall, from time to time, be deemed expedient by the said College and Royal Grammar School to sell and dispose of, and all moneys received upon investments called in, or paid off, together with any surplus of the Income over the Expenditure of the said College and Royal Grammar School, as provided by the Seventy-Sixth Section of this Act, shall form a Fund to be called in the books of the said College and Royal Grammar School: "The College Investment Fund," the moneys at the credit of which Fund shall, from time to time, be invested in such Government, or Landed, Securities, as shall be approved of by the Council of the said College and Royal Grammar School.

Proceeds of Sales of Lands to form Investment Fund.

How to be invested.

LXXIII. *And be it enacted*, That the Annual Income of the said College and Royal Grammar School arising from the fees and dues payable to the same for entrance, tuition, or otherwise, or from such portion thereof as by Statute, or Statutes, of the said College and Royal Grammar School shall be payable into the General Funds of the said College and Royal Grammar

Annual Income to form the Income Fund.

School, and not to the Principal, Masters, or Officers thereof, and from the annual, or other periodical rents, interests and dividends arising from the Property and Effects of the said College and Royal Grammar School, of what nature or kind soever, whether real or personal, together with all such annual or other Donations or Subscriptions, as may be made to the said College and Royal Grammar School for the general benefit thereof, without being specially appointed by the Donor to any particular object, or purpose, shall form another Fund, to be called "The College Income Fund," the moneys at the credit of which last mentioned Fund shall be appropriated and applied to make good and satisfy the several charges by the next following Section of this Act charged and imposed upon the said Fund, in the order in which such charges are therein charged and imposed upon the same.

Application of such Fund.

What shall be charges on Income Fund, and their order.

First.

Second.

Third.

Fourth.

Fifth.

Sixth.

LXXIV. *And be it enacted*, That the *first* annual charge upon the said College Income Fund shall be the necessary expenses incurred in the receipt, collection and management of the moneys of the said College and Royal Grammar School, as well as those constituting the said Income Fund. The *second* charge upon such Income Fund shall be the necessary outlay for Taxes, Insurance and Repairs of the Buildings and other Property of the said College and Royal Grammar School. The *third* charge upon such Income Fund shall be the salaries, wages and allowances of all subordinate Officers and Servants of the said College and Royal Grammar School. The *fourth* charge upon the said Fund shall be such sum of money as, by any Statute, or Statutes, of the said College and Royal Grammar School, to be passed for that purpose, shall be annually appropriated for the incidental expenses of the said College and Royal Grammar School for the fiscal year, or so much of such sum as shall be required for such incidental expenses. The *fifth* charge against such Fund shall be the salaries of the Principal and Masters of the said College and Royal Grammar School, and so much of those of the Members of the Endowment Board of the said University and College as shall be payable out of the Funds of the said College. And the *sixth* and last charge, such special appropriations out of the said Income Fund for such year as shall have been directed to be made by any Statute of the said College and Royal Grammar School, passed for that purpose.

Deduction from Salaries to meet deficiencies in the Income Fun

LXXV. *And be it enacted*, That, whenever the Income Fund of the said College and Royal Grammar School, for any year, shall not be sufficient to satisfy and discharge the different charges upon the same for such year, as herein provided, the amount of the deficiency for such year shall *be supplied from the surplus Income Fund which has not yet been carried to the Investment Fund*, or shall be deducted in equal proportions from all the salaries constituting the fifth annual charge upon such fund for the following year, by proportionate quarterly deductions from such salaries, as the same become respectively payable at each financial quarter of such following year;

Proviso: Deficiency to be made up by surplus accruing during six following years.

Proviso: Beyond which no claim shall be allowed.

Provided always, nevertheless, *firstly*, that the parties whose receipts of salary may have been diminished by such proportionate deductions, as aforesaid, shall be entitled to have such deficiency made good in part, or in the whole, as the same may be, out of any surplus, or surpluses, of Income over Expenditure that may accrue during the [five] *six* years next ensuing that in which such proportionate deductions shall have been so made, as aforesaid: Provided also, *secondly*, that, for the deficiency thus occasioned in such salaries, and which, at the end of every [fifth] *sixth* year, may yet remain unsatisfied, as aforesaid, the Incumbents, to whose offices, or Masterships, such salaries shall be attached respectively, shall have no claim upon the said College and Royal Grammar School, or upon the Funds thereof, but the amount of such salaries received by each of such incumbents, according to the provisions of this Act, shall be deemed and taken to have been received by

him in full satisfaction and discharge of the whole of his salary for such [five] *six* years, for which such proportion of the same shall have been paid to him, as aforesaid.

Surplus, if any, of Income Fund to be transferred to Investment Fund.

LXXVI. *And be it enacted*, That the surplus, if any, of the said "College Income Fund," after satisfying and discharging the several charges, whether ordinary or extra, by this Act charged upon the same, shall be annually transferred to the Investment Fund of the said College and Royal Grammar School, and, with the other moneys belonging to that Fund be, from time to time, invested, as in and by the Seventy-second Section of this Act is declared, so that there shall be no balance of the said Income Fund to be carried forward from one fiscal year to the next.

Present Statutes of College to remain till altered.

LXXVII. *And be it enacted*, That all Statutes, Rules and Ordinances of the best said College and Royal Grammar School, in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force, until repealed, altered, or amended by some other Statute of the said College and Royal Grammar School, either Visitorial or Collegiate, to be hereafter enacted, or passed, for that purpose.

Present Principal and Masters to continue until removed.

LXXVIII. *And be it enacted*, That the Principal and other Masters and Officers of the said College and Royal Grammar School now actually holding a Mastership, or Office, in the same, shall continue to hold such Mastership, or Office, under a new Warrant to be issued to him for the same, until he shall be removed therefrom, in the manner prescribed by this Act.

Proviso: Commission of Visitation may rearrange the Officers or Duties, or the Salaries, etc.

Provided always, nevertheless, that nothing herein contained shall prevent, or be construed to prevent, the Commission of Visitation to be issued, as hereinafter directed, or any such other Commission of Visitation, or any Collegiate Statute to be passed for that purpose, from rearranging such Masterships, or Offices, or the duties attached to the same respectively, or from adding to, varying, or deducting from, the duties of the Mastership, or Office, held by any such Master or Officer in the said College or Royal Grammar School, or from so altering or varying the amount of salary, or emolument, receivable by any such Master, or Officer, as shall be necessary to give effect to the provisions of this Act for the prevention of the dissipation of the Endowment, or Capital Stock, of such College and Royal Grammar School, and restricting its expenses and disbursements to the amount of its annual Income from the same.

Commission of Visitation to issue for like purposes with Commission for University.

LXXIX. *And be it enacted*, That so soon after the passing of this Act as the Governor, or Person administering the Government of the Province for the time being, shall seem expedient, a like Commission of Visitation shall be issued to, and in respect of, the said College and Royal Grammar School, as that hereinbefore directed to be issued to, and in respect of, the said University, with similar powers and directions as far as the Governor, or Person administering the Government of the said Province for the time being, shall deem the same applicable, or expedient to be contained in such Commission.

Proviso: Commission may include both.

Provided always, nevertheless, that nothing herein contained shall prevent, or be construed to prevent, the issue of one Commission, embracing both objects, if such shall be the pleasure of the Governor, or Person administering the Government of the Province for the time being, as aforesaid.

IV. Miscellaneous and Temporary Provisions.

Actions at Law and Suits in Equity by, or against University College, etc., not to abate.

LXXX. *And be it enacted*, That no action at Law, or suit in Equity, now pending between either the said first mentioned University and any Person, or Persons, Bodies Corporate or Politic, by whatsoever name such University, or College, may be proceeding, or be proceeded against, in such action, or suit, shall abate, cease, or be discontinued by reason of anything in this Act

contained; but every such action, or suit, shall and may, upon suggestion of the passing hereof, be proceeded with, for, or against, such University, or College, by the Corporate name hereby conferred upon the same respectively, anything herein contained to the contrary notwithstanding.

Recital.

LXXXI. *And whereas* a Gift of Books, principally consisting of Theological Works, was some years since made to the said University, hereinbefore first mentioned, by the Society for Promoting Christian Knowledge, which, in consequence of the abolition of the Chair of Divinity, that Society may desire to have transferred to some other Institution, or otherwise disposed of:

Theological Library to be transferred at request of Society for Promotion of Christian Knowledge.

Be it therefore enacted, That, upon application from the said Society [under their Common Seal] *by their proper Officer, to be made to the said Chancellor*, Masters and Scholars of the said University of Toronto, at any time before the year of Our Lord, one thousand eight hundred and fifty-five, requesting that such gift may be returned to them, or otherwise disposed of, as they may appoint, it shall and may be lawful for the said Chancellor, Masters and Scholars, and they are hereby required, to deliver over the same according to such request, and the same shall thereupon become vested in the said Society, or in such other person, or persons, Bodies Politic or Corporate, as the said Society shall, or may, in and by such request, so to be made as aforesaid, nominate and appoint in that behalf, anything herein contained to the contrary notwithstanding.

Commencement of this Act.

LXXXII. *And be it enacted*, That this Act shall *come into operation upon, from and after the first day of January next, or such earlier day as shall, or may, be fixed for that purpose, by Proclamation under the Great Seal of this Province.*

Act to be a Public Act, etc.

LXXXIII. *And be it enacted*, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others whomsoever, without being specially pleaded.

LXXXIV. *And be it enacted*, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

NOTE.—Although Bishop Strachan and the Queen's College Council petitioned the Legislature against the passage of the Baldwin University Bill of 1849, yet it passed both Houses and was assented to by the Lieutenant Governor to come into operation in 1850.

SUPPLEMENTARY UNIVERSITY ACT OF 1850, AMENDING THE TORONTO UNIVERSITY ACT OF 1849.

ANNO TERTIO-DECIMO ET QUARTO-DECIMO: VICTORIÆ REGINÆ, CAPUT XLIX.

AN ACT TO REMOVE CERTAIN DOUBTS RESPECTING THE INTENTION OF THE ACT OF LAST SESSION OF THE PARLIAMENT OF THIS PROVINCE, FOR AMENDING THE CHARTER OF THE UNIVERSITY OF TORONTO, [AND FOR OTHER PURPOSES, ETCETERA].

The Earl of Elgin and Kincardine, Governor-General of British North America:

Passed on the 10th of August, 1850.

(NOTE.—Those parts of the original Bill on which the following Act is founded, which were omitted, or modified, by the Legislature are enclosed in square brackets; the additions made to the Bill, in its passage through the Legislature, are printed in italic.)

Preamble.

WHEREAS, in the Preamble of the Act passed in the last Session of the Parliament of this Province, chaptered Eighty-two, and intituled: "An Act

to amend the Charter of the University established at Toronto by His late Majesty, King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same and with the College and Royal Grammar School forming an Appendage thereof," the promotion of the Religious and Moral Improvement, as well as the Secular Education of the People of this Province, is expressly set forth as the object of its enactment; and, as a means of accomplishing such object in a community consisting of various Denominations of Christians, the necessity is asserted of having the said University entirely free in its Government and Discipline from all Denominational bias, so that the just Rights and Privileges of all might be fully maintained without offence to the Religious Opinions of any; and

Act of 1849, —12 Vict., chapter 82, cited.

Intention of the said Act as to Religious Instruction.

WHEREAS the said enactment originated in a sincere desire for the advancement of True Religion, and a tender regard for the conscientious scruples of all classes of professing Christians, which it sought to evince by affording to the different Religious Denominations the opportunity, and thereby pressing upon the obligation, each in its own way and each according to its own Discipline, and in conformity with its own peculiar views of Religious Truth, of providing for the spiritual welfare and advancement in Religious Knowledge of the youth belonging to its own Communion, and not from any indifference to the importance of Religious duties, or of imparting Religious Knowledge in the education of youth; And

Regard for conscientious scruples.

WHEREAS, notwithstanding the distinct avowal of the principles on which the said Act was based, doubts have been raised as to the Christian character of the said Institution and of the powers of the University, by Statute or otherwise, to make the necessary Regulations for insuring to its Members the opportunities of Religious Instruction and attendance upon Public Worship by their respective Ministers, and according to their respective forms of Religious Faith: And:—

To Remove Doubts.

WHEREAS, for the satisfaction of all whose minds may have been disturbed by such doubts, it is desirable to declare, and—

Be it, therefore, accordingly declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: "An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of the same, and it is hereby declared, and enacted, by the authority of the same, that it hath been, and, at all times hereafter, shall be fully competent to, and for, the said University,—by Statute, either Visitatorial, or Senatorial, to be passed for that purpose, to make any Regulations that may be deemed expedient for the undergraduates and students attending Lectures in the said University, attending upon Public Worship in their respective Churches or other places of Religious Worship, and receiving Religious Instruction from their respective Ministers, and according to their respective forms of Religious Faith, and that, not only shall every facility be afforded by the Authorities of the said University for such attendance on Religious Worship, and such acquirement of Religious Knowledge, but, that no candidate for matriculation, or for any Degree, who shall, at the time of his application, be a student in any of the different Colleges, which shall be so far affiliated to the said University as to be entitled to appoint a Member to the Senate thereof, shall be received as a student, or admitted to a Degree in the said University without possessing such Religious requisites as may be prescribed by the constituted Authorities of the Affiliated College to which

Act of 1840.

The intention of the said Act as to Religious Instructions declared, and provision made for giving effect to it, by Statute of an University.

Facility for Religious Worship.

he belongs, and which, according to his standing in such affiliated College, he shall, by the rules and [Statutes] *Regulations* thereof, be required to possess.

Proviso.

Provided always, nevertheless, *Firstly*, that no part of the funds of the said University shall be expended for any such purpose, but that it be left to the Authorities of each Denomination of Christians to provide for the Religious Instruction of its own adherents attending the said University, or members thereof; and provided also, *Secondly*, that nothing herein contained shall extend, or be construed to extend, to empower the said University, by Statute or otherwise, to compel any person to become a member of such affiliated College as a condition precedent to his being matriculated, or admitted, to any Degree in the said University, or otherwise howsoever.

Proviso. By University Statute.

And by Statute of Upper Canada College.

II. And, for the like reason, it is hereby further declared and enacted by the authority aforesaid, that it hath been, now is, and at all times hereafter, shall continue to be fully competent to, and for, the said College and Royal Grammar School of Upper Canada College, by Statute, either Collegiate, or Visitatorial, to be passed for that purpose, to make any similar Regulations for the like purposes and subject to the like limitations and restrictions.

Quorum.

III. And be it enacted, That notwithstanding anything in the said Act of Parliament contained, nine members of the Senate of the said University shall form a Quorum thereof for the despatch of business.

Caput in their Report under Section 24 of the Act of 1849 may report the names of eminent men who would accept the Chair; and, if the Senate concur, the Governor may, in his discretion appoint one of the men so reported.

IV. *And be it enacted*, that it shall at all times be lawful for the Caput of the said University, in reporting upon testimonials of candidates for any vacant Professorships, as directed by the Twenty-fourth Section of the said Act, to report also the names of any men of distinguished literary, or scientific, reputations whose accession to such Chair would, in their opinion, be an acquisition to the public character of the University as a Seat of Learning, and who, they have ascertained, or have reason to believe, would accept of such, if offered to them; and, thereupon, the Senate of the said University, if they shall concur in that part of the Report of the said Caput, shall report the names of such Persons, or of those of them with respect to whom they shall so concur with the Caput, to the Governor of the Province, with those of the three Candidates required to be transmitted to him by the said Twenty-fourth Section of the said Act, and, in every such case, it shall, and may, be lawful for the Governor, if he shall deem it expedient so to do, to appoint any one of those Persons to such Chair who may be willing to accept thereof, instead of appointing to the same any of the three Candidates whose names shall have been so transmitted to him, as aforesaid, anything in the said Twenty-fourth Section of the said Act to the contrary notwithstanding.

The Crown may institute Regius Professorships with the same rights as granted to other Professorships.

V. *And be it enacted*, That it shall, and may, be lawful for Her Majesty, from time to time, by Letters Patent, under the Great Seal of the Province, to institute, establish and endow such, and so many, Regius Professorships in any of the Faculties of the said University, as She shall think fit, and, from time to time, by Letters Patent, under the Great Seal of the Province, to appoint some fit and proper Person to such Regius Professorship; and to every such Professorship, and to the Person who shall fill the same, shall belong all and singular, the like rights, powers and privileges which shall be attached to, or be vested in, the other Professorships and Professors of the said University respectively:

Proviso. An Endowment requisite.

Provided always, *Firstly*, That no such Regius Professorship [or Lectureship,] shall be so instituted without an endowment, either by charge on the public Provincial Revenue, or by invested capital in Land, or other Property, not at the time forming any part of the property of the said University, but sufficient to secure to the holder thereof an income equal, at least, to that of the smallest salary assigned by Statute of the said University to any of the Chairs on the foundation thereof in the same Faculty to which

such Regius Professorship may be attached, or unless such Salary shall have been voted amongst the other annual votes for educational purposes upon the Estimates sent down to Parliament by the Crown; and provided also, *Secondly*, That every such Regius Professorship and Regius Professor shall be subject to all and singular the Statutes, Rules and Ordinances of the said University, *and be entitled to all and singular the same rights, powers and privileges*, as any other Professorship, or Professor, in the same; and Provided also, *Thirdly*, That the appointment to all such Chairs shall be made by the Crown of its mere motion, and during its pleasure, without the necessity of any Report from the Caput, or Senate, as provided with respect to the Chairs on the foundation of the said University.

Proviso. Professor subject to Rules.

Proviso: Appointment to be made *ex mero moter* and during pleasure.

VI. *And be it enacted*, That it shall, and may, be lawful for Her Majesty, from time to time, by Letters Patent, under the Great Seal of the Province, to found, institute, establish and endow such and so many Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University as She shall think fit, and to prescribe, in such Letters Patent, all such Rules and Regulations as She may think proper, for the appointing to, and conferring of, such Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, all which Rules and Regulations the Authorities of the said University are hereby required to observe and give effect to, as in the said Letters Patent shall be directed.

The Crown may institute and endow Lectureships.

VII. *And be it enacted*, That it shall and may be lawful for any person, or persons, bodies politic or corporate, whomsoever, to found such, and so many, Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, as they may think proper, by providing a sufficient endowment in Land, or other Property, and conveying the same to the Chancellor, Masters and Scholars of the said University, in trust for the said purposes, and thereupon, suing out Letters Patent from the Crown, instituting, establishing, and endowing the same with the Property so provided for that purpose, as aforesaid, in all which Letters Patent shall be set forth such Rules and Regulations for the appointing to and conferring of such Professorships, Lectureships, Fellowships, Scholarships, Prizes, or other Rewards, as the respective Founders thereof, with the approbation of the Crown, shall think fit to prescribe for that purpose, all which Rules and Regulations the Authorities of the said University are hereby required to observe and give effect to, as, in the said Letters Patent, shall be directed:

Private parties and Corporations may found and endow Professorships, and Lectureships, and sue out Letters Patents establishing the same.

Provided always, nevertheless, That none of such Professorships upon private foundation shall entitle the holder of the Chair of such Professorships, for the time being, to any seat in the Senate of the said University, or other share in the government thereof *unless the same shall be especially conferred upon such Chair, or Professor, by a Statute of the said University, either Visitatorial or Senatorial, to be passed for that purpose.*

Proviso: Such Professorships not to give a seat in the Senate.

[VIII. And be it enacted, That, notwithstanding anything in the said Act of Parliament contained, the said University of Toronto shall and may, from time to time, by Statute, either Visitatorial or Senatorial, to be passed for that purpose, provide, determine and direct, how many, and what, members of the Senate of the said University shall form a Quorum thereof, for the despatch of business: *Provided always*, nevertheless, that such Quorum shall not, by any such Statute, be made to consist of less than nine Members of such Senate.]

Quorum of Senate may be fixed by Statute. (*Omitted.*) (*Omitted Section.*)

VIII. *And be it enacted, That nothing in the three next preceding Sections of this Act contained shall affect, or be construed to affect, in any way the Twelfth Section of the said recited Act (of 1849), but that the provisions of the said three Sections shall, to all intents and purposes whoso-*

Section 12 of the Act of 1849 not to be affected.

ever, be subject to, and limited by, the provisions of the Twelfth Section, as if it had been inserted in this Act.

Third proviso of Sec. 58 of Act of 1849 to apply to certain Statutes of U. C. College.

IX. *And be it enacted*, That the third proviso to the Fifty-eighth Section of the said Act shall apply to such Statutes, Rules and Ordinances of the College Council of the College and Royal Grammar School of Upper Canada College as have been, or shall be, passed by that Body, for prescribing, or regulating, the general duties of the Principal, or Masters, of the said College, or others employed to teach therein, in their respective Collegiate employments, or for prescribing the Course of Study to be pursued, or the Discipline to be observed in the said College and Royal Grammar School, and to none others.

Certain moneys to be receivable and collectable by the authorities of U. C. College. under sec. 77 of the Act of 1849.

X. *And be it enacted*, That all sums of money received by the Bursar of the said University for, or on account of the said College and Royal Grammar School, at any time since the Royal Assent was given to the said Act of Parliament, and all debts of what nature, or kind, soever, at the time when such Assent was given to the said Act, due to the said College and Royal Grammar School, or in which such College and Royal Grammar School was then, or at any time after, beneficially interested, shall be deemed and taken to be available to, and collectible by, the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, in the same manner as the debts mentioned in the Seventy-seventh Section of the said Act, are thereby declared to be recoverable, subject to the deduction therefrom of all moneys which, since the Royal Assent was given to the said Act, shall, or may, have been paid by the said Bursar for, or on account of, the said College and Royal Grammar School.

Subject to certain deductions.

THE ABORTIVE UNIVERSITY BILLS OF 1851.

The Henry Sherwood University Amendment Bill of 1851.

In June, 1851, the Honourable Henry Sherwood sought to have the Baldwin University Act of 1849 amended and with that object introduced the following Draft of Bill into the Legislature. In doing so, he said:—

I beg to bring under the notice of the public a proposition I intend to bring before Parliament, having for its object a change in the Constitution of the University of Toronto by means of which I think great public advantage will be experienced. . . .

It is said that, although the plan of the London University is adapted to the state of Learning in England, it by no means follows that Canada is in a condition to adopt it. In my humble judgment, it is impossible to conceive a Country to which the system I proposed is better adapted than to Upper Canada.

Should the expectations of the framers of the Act of 1849, 12th Victoria, Chapter 82, be so far realized as to see the present Incorporated Colleges in Upper Canada affiliated with this University and on the terms and conditions contained in that Act, (which I believe to be totally out of the question,) what progress will even then have been made towards giving satisfaction to the people at large? The very act of affiliation, on the part of any Incorporated College, calls upon it to surrender some of the most valuable of its Chartered Rights, without being offered in return any equivalent whatever,—except, indeed, it may be the privilege of appointing one Member to a seat in the Senate. Besides, in the event of all the Incorporated Colleges affiliating with the University of Toronto, the young men who are now being educated in them, if they desire to take any other Degree than that of Divinity, must, of necessity, repair to the University of Toronto, at a very serious expense, and, in many instances, at great inconvenience, there

to remain several years before they can obtain the Degrees they seek for. This will be felt to be a very great hardship upon those residing in the outer Counties of the Province, and will amount, in many instances, to a prohibition against the attainment of academical Degrees, or University honours of any kind.

The plan I propose is to avoid this inconvenience, and to extend the right to the different Educational Institutions throughout the Country, whether incorporated or not, to prepare young men to take their Degrees in the University, and to put it in their power, if they choose to exert themselves, to participate in its Endowment, which was intended for the benefit of all classes of Her Majesty's subjects. The Bill I propose, (by the 18th Section), [page 224 of the Ninth Volume], clearly shows to what Institutions its benefits are proposed to be extended. It comprehends all those that are incorporated within Her Majesty's Dominions, and also such others, corporate or unincorporated, as now are, or shall hereafter be, established for the purpose of education within the same, as the Governor shall, from time to time, prescribe under his Hand and Seal at Arms.

It is objected to this arrangement that all the Colleges, in which the youth of the Country will be educated, will be Denominational Institutions only, and not like the plan of the London University, where there is a college established in connection with it, called "University College," which is not Denominational, or sectarian, but is open to all, without distinction; for which reason, it is said, the public are satisfied with the University there being an Examining Institution, and not a "Teaching College," or Institution for instruction. The University of Toronto will, by the proposed change, be placed in the very same situation with that of the London University.

BILL: AN ACT TO AMEND THE CHARTER OF THE UNIVERSITY OF TORONTO OF 1849.

Preamble. *Whereas* the Enactments hereinafter repealed, or amended, originated in the earnest desire of the Legislature to meet the wishes of the people of this Province, by so constituting the University therein mentioned, as to afford to all Denominations and classes of Her Majesty's subjects, without distinction, the means of obtaining a liberal education therein, but they have failed to effect the end intended, inasmuch as no College or educational institution has under them become, or manifested any desire to become, affiliated to the said University, and many parents and others are deterred by the expense and other causes from sending the youth under their charge and care to reside in a large and distant City, or from conscientious scruples object to allow them to be educated in any institution where they cannot receive religious instruction from teachers of their own faith; and whereas many persons do and will therefore prosecute and complete their studies in other institutions in divers parts of this Province, to whom it is expedient to afford such facilities, and on whom it is just to confer such distinctions, and rewards as may incline them to persevere in these their laudable pursuits; and whereas experience hath shown that the principles embodied in Her Majesty's Royal Charter to the University of London in England are well adapted to remove the difficulties and to promote the attainment of the objects aforesaid:

Certain sections of 12 Vict., c. 82, and 13 & 14 Vict., c. 49, repealed. *Be it therefore enacted*, . . . and it is hereby enacted by the authority of the same, That the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 24th, 25th, 26th, 27th, 28th and 43rd Sections of the Act passed in the Twelfth year of Her Majesty's Reign, and intituled, "*An Act to amend the Charter of the University established at Toronto by His Majesty King George the Fourth, to provide for the more satisfactory Government of said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof*," and the 1st, 3rd, 4th and 5th Sections of the Act passed in the Session held in the Thirteenth and Fourteenth years of Her Majesty's Reign,

intituled, "*An Act to remove certain doubts respecting the intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to provide for the Institution and endowments of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada, forming an appendage thereof,*" and so much of any other part of either of the said Acts, or of the Charter referred to in the Act first mentioned, as may be inconsistent with this Act, shall be repealed; but so much of the said Charter as shall not be inconsistent with this Act, or with those provisions of the said Act which are not hereby repealed shall remain valid, or if repealed by the Act first mentioned shall be revived.

Name of the University changed.

II. The University established by the said Charter and mentioned in the said Acts, shall henceforth be called "*The University of Toronto*," and shall continue to be a Body Corporate, with such powers and privileges as are conferred upon it by those portions of the said Charter and Acts which remain in force after the passing of this Act, or by this Act; and neither such change of name nor anything in this Act shall be construed to make the said University a new Corporation, or to cause any action, suit, or proceeding in law, or in equity, to which the said University may be a party, to abate, cease, or be discontinued, but the same may be continued upon the suggestion of the passing of this Act, by, against, or with regard to the said University, by the corporate name hereby assigned to it.

But it shall not be deemed a new Corporation.

How certain words in the former Acts and Charter shall be construed.

III. Whenever in those portions of either of the said Acts, or of the said Charter, which will be in force after the passing of this Act, the University, or Corporation of "The Chancellor, Masters and Scholars of the University of Toronto," or of "King's College" is mentioned, or referred to, "The University of Toronto" shall hereafter be understood to be intended; and whenever the Caput of the University is mentioned, the Senate shall be understood to be intended, and the word "Officers," whenever it occurs in the same, shall include any Examiners, or other Officers to be appointed under this Act; but there shall be no Professorship, or other Teachership in the said University; and the mention of any Officer, or office in the said Acts, or Charter, shall not be understood as implying that there shall be any Officer, or office, of that name in the said University, unless the Senate shall see fit.

No Professorships, etc., allowed.

Future effect of sections 46, 47, 48, of 12 Vict., c. 82.

IV. The 46th, 47th and 48th Sections of the Act first mentioned shall have no effect after the passing of this Act, except as to things done under them before that time, and not inconsistent with this Act.

Of whom the Corporation shall consist.

V. The said University and Corporation, by the name herein assigned to it, shall hereafter consist of one Chancellor, one Vice-Chancellor, (who shall be a salaried Officer,) and such number of Fellows as the Governor of this Province shall from time to time appoint under his Hand and Seal at Arms, and as shall be appointed by the Senate under the power hereinafter contained.

Senate.

Chancellor and Vice-Chancellor now appointed, etc.

VI. The Chancellor, Vice-Chancellor and Fellows for the time being, shall constitute the Senate of the said University; and the first Chancellor and Vice-Chancellor shall be appointed by the Governor in the manner aforesaid; but no Minister, Ecclesiastic, or Religious Teacher of any Denomination or Persuasion shall be appointed Chancellor at any time.

Governor to fill vacancies in the office of Chancellor.

VII. Whenever a vacancy shall occur in the office of Chancellor of the said University, either by death, resignation, or otherwise, the Governor may, in the manner aforesaid, nominate a fit and proper person to be Chancellor instead of the Chancellor occasioning such vacancy.

How vacancies in the office of Vice-Chancellor shall be filled.

VIII. The office of Vice-Chancellor of the said University shall, whenever any vacancy shall occur after the first appointment to the said office, be an annual one; and the Members of the Senate shall, at a meeting to be holden by them for that purpose on some day within fifteen days after such vacancy shall be known to them, and of which due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and to hold his office for one year from the time of his election; and the Members of the Senate shall, at a meeting to be holden for that purpose on some day within a month before the expiration of the tenure of the said office, of which meeting due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and so, from time to time, annually; or, in case of the death, resignation, or other avoidance of any such Vice-Chancellor after the first, before the expiration of his year of office, shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which due notice shall be given, elect one other of the said Fellows to be Vice-Chancellor for the remainder of the year in which such death, resignation, or other avoidance shall happen.

Election of Fellows, when they fall below a certain number.

IX. If at any time, by death or otherwise, the number of the said Fellows shall be reduced below the number of exclusive of the Chancellor and Vice-Chancellor for the time being, then and in such case, and as often as the same shall happen, the Members of the Senate shall, as soon as conveniently may be, at a meeting to be holden for that purpose, of which due notice shall be given, elect or more fit and proper Persons to be Fellows in addition to the then remaining Fellows, to the end that by means of such election the number of Fellows of the said University may be completed, exclusive of the Chancellor and Vice-Chancellor of the said University, but no Person shall be appointed, or elected, a Fellow who shall not be a Subject of Her Majesty.

Governor to be Visitor.

X. The Governor of this Province shall be (as heretofore) the Visitor of the said University on behalf of Her Majesty, with the powers vested in him as such Visitor by the Act first mentioned.

Senate to have the management of the affairs of the University.

They may make Statutes for certain purposes.

XI. The Chancellor, Vice-Chancellor and Fellows for the time being shall (subject to the provisions of the said Act relative to the Endowment Board and the duties assigned to it, and to the other unrepealed provisions of the said Act, and to those of this Act relative to the Income and Property of the said University) have the entire management of and superintendence over the affairs, concerns and Property thereof; and in all cases unprovided for by this Act, or by any unrepealed enactment of the said Acts, it shall be lawful for the Chancellor, Vice-Chancellor and Fellows to pass such Statutes as to them shall appear best calculated to promote the purposes of the said University; and the said Chancellor, Vice-Chancellor and Fellows shall have full power from time to time to make and alter any Statutes and Regulations (so as the same be not repugnant to the laws of Upper Canada, or to the general objects and provisions of this Act, or to the unrepealed enactments of the Acts aforesaid,) touching the examination for Degrees, or for Certificates of proficiency, and the granting of the same, and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor and Fellows, and in general touching all other matters whatsoever regarding the said University or the Property thereof; and all such Statutes and Regulations, when reduced into writing, and after the Common Seal of the said University shall have been affixed thereto, shall be binding upon all Persons being Members or Officers thereof, and all Candidates for Degrees, or Certificates of proficiency to be conferred by the said University, a certified copy of such Statutes and Regulations being deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before

Statutes may be disallowed by the Visitor.

the Visitor of the said University, who may, at any time, within two years after the same shall have been left with the said Secretary, disallow the same, and any By-law, or Regulation so disallowed shall be null and void from the time when the disallowance thereof shall be signified to the said University.

University to grant Certificates of proficiency.

XII. In addition to the power of conferring Degrees in Arts and Faculties vested in the said University, the said Chancellor, Vice-Chancellor and Fellows shall have power, after examination, to grant Certificates of proficiency in such branches of knowledge as they shall from time to time, by Regulations to be made in that behalf, determine.

Questions to be decided by majority of votes.

XIII. All questions which shall come before the Chancellor, Vice-Chancellor and Fellows shall be decided by the majority of the Members present; and the Chairman at any such meeting shall have a vote, and, in case of equality of votes, a second, or casting, vote.

Quorum fixed.

XIV. No question shall be decided at any meeting unless the Chancellor, or Vice-Chancellor, and *five* Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless *six* Fellows, at the least, shall be present at the time of such decision.

Who shall preside at meetings.

XV. At every meeting of the Chancellor, Vice-Chancellor and Fellows, the Chancellor, or, in his absence, the Vice-Chancellor, shall preside as Chairman, or in the absence of both, a Chairman shall be chosen by the Members present, or the major part of them.

Senate to remove Officers, etc.

XVI. The said Chancellor, Vice-Chancellor and Fellows for the time being shall have full power, from time to time, and as they shall see occasion, to remove all Examiners, Officers and Servants of the said University.

Examination of Candidates, etc.

XVII. Once at least in every year the said Chancellor, Vice-Chancellor and Fellows shall cause to be held an Examination of the Candidates for Matriculation and for Degrees, or for Certificates of proficiency as aforesaid; and at every such Examination the Candidates shall be examined by Examiners appointed for the purpose from among the Fellows, by the said Chancellor, Vice-Chancellor and Fellows, or by other Examiners so to be appointed; and at every such Examination the Candidates shall be examined in as many branches of general knowledge as the Chancellor, Vice-Chancellor and Fellows shall consider the most fitting subjects of such Examination.

Candidates who have gone through the prescribed Course of Study in certain Institutions to be admitted to Examination.

XVIII. And in order to extend the benefits of Colleges and Establishments already instituted in this Province for the promotion of Literature, Science and Art, whether incorporated, or not incorporated, by connecting them for such purposes with the said University, all Persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws or Doctor of Laws, to be conferred by the said University of Toronto, on satisfying the Chancellor, Vice-Chancellor and Fellows that such Persons have in any of the Institutions hereinafter mentioned, completed such Course of Instruction as the said Chancellor, Vice-Chancellor and Fellows shall, as to the said respective Institutions, by Regulations to be made as aforesaid from time to time, determine; and the Institutions in which such Course of Instruction may be completed shall be those hereinafter mentioned, that is to say: all Universities and Colleges in Upper, or Lower, Canada, or in any other part of Her Majesty's Dominions, empowered to grant Degrees in the Arts and Faculties; Upper Canada College, and all other incorporated Colleges in Upper Canada; all Colleges and Educational Institutions in connection with the University of London, in England; and also such other Institutions, corporate, or unincorporated, as now are, or shall hereafter be established for the purposes of education within this Province, or elsewhere within Her Majesty's Dominions, as the Governor of

this Province shall from time to time prescribe to the said Chancellor, Vice-Chancellor and Fellows, under his Hand and seal at arms.

From what Schools, etc., Candidates for Medical Degrees may be Examined.

XIX. And for the purpose of granting the Degrees of Bachelor of Medicine and Doctor of Medicine, and for the improvement of Medical Education in all its branches, as well in Medicine as in Surgery, Midwifery and Pharmacy, the said Chancellor, Vice-Chancellor and Fellows shall, from time to time, report to the Governor of this Province, through the Provincial Secretary, what appear to them to be the Medical Institutions and Schools, whether corporate, or unincorporated, in this Province, from which, either singly, or jointly with other Medical Institutions and Schools in this Province, or in other parts of Her Majesty's Dominions, or in Foreign parts, it may be fit and expedient, in the judgment of the said Chancellor, Vice-Chancellor and Fellows, to admit Candidates for the Medical Degrees, and on approval of such report by the Governor, shall admit all Persons as Candidates for the respective Degrees of Bachelor of Medicine and Doctor of Medicine to be conferred by the said University, on satisfying the said Chancellor, Vice-Chancellor and Fellows, that such Candidate has therein completed the Course of Instruction which they shall by Regulations in that behalf determine; and it shall be lawful for the said Chancellor, Vice-Chancellor and Fellows, from time to time, with the approval of the Governor, to vary, alter and amend any such reports, by striking out any of the said Institutions, or Schools, included therein, or by adding others thereto.

Power to confer Degrees.

XX. The said Chancellor, Vice-Chancellor and Fellows, shall have power, after examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the four branches of Medicine, Surgery, Midwifery and Pharmacy; and such reasonable Fees shall be charged to the Candidates for Degrees, or for Certificates of proficiency as aforesaid, as the Chancellor, Vice-Chancellor and Fellows shall by Regulations or By-laws in that behalf from time to time determine.

Fees.

Names of Successful Candidates for Degrees to be declared.

XXI. At the conclusion of every examination of Candidates for Degrees, the Examiners shall declare the name of every Candidate whom they shall deem to be entitled to any of the said Degrees, and the departments of knowledge in which his proficiency shall have been evinced, and also his proficiency in relation to other Candidates, and he shall receive from the Chancellor a Certificate under the seal of the University, and signed by the Chancellor, in which the particulars so declared shall be stated.

Candidates Certificates of Proficiency to be classified.

XXII. At the conclusion of every examination of Candidates for Certificates of proficiency as aforesaid, the Examiners shall, under such Regulations as shall be made by the Chancellor, Vice-Chancellor and Fellows in that behalf, classify such Candidates according to their degrees of proficiency, and declare such relative proficiency, either by Certificate to be granted to them respectively, under the seal of the University, or in and by published lists of the Candidates to whom such Certificates shall have been granted.

Standard of qualification to be as high as in the University of London.

XXIII. The Regulations to be made with respect to the literary and scientific attainments of persons obtaining Degrees, or Certificates of proficiency, and their examination, shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and Fellows, permit, be similar to those in force for like purposes in the University of London, to the end that the standard of qualification in the University of Toronto may not be inferior to that adopted for a like Degree, Certificate or Honour in the University of London.

Examiners to take an oath of office.

XXIV. The Examiners may be required to take the following Oath of office before the Chancellor, or Vice-Chancellor:—"I swear that I will perform my duty of Examiner without fear, favour, affection or partiality towards

any Candidate, and that I will not knowingly allow to any Candidate any advantage which is not equally allowed to all. So help me God."

Present Statutes to remain in force, except, etc.

XXV. The present Statutes of the said University shall continue in force, in so far as they shall not be repugnant to, or inconsistent with, this Act, until they shall be repealed, or altered, in the manner hereby provided by the Chancellor, Vice-Chancellor and Fellows, whose duty it shall be, so soon as conveniently may be after the passing of this Act, to revise all the Statutes and Regulations of the said University so as to make them harmonize with the provisions of this Act.

Regulations as to Students now Matriculated.

XXVI. The said Chancellor, Vice-Chancellor and Fellows, may make such special Regulations as to them shall seem just, with regard to the examination of Students who have matriculated in the said University before the passing of this Act, and with regard to the completion by them of the prescribed Course of Instruction, but in so far only as relates to the first Degree to be taken by any such Student after the passing of this Act, after which they shall be subject to the same Regulations as other Candidates.

One Degree in Divinity may be granted to Students who might obtained it under 12 Vict., c. 82.

XXVII. The said Chancellor, Vice-Chancellor and Fellows may grant one Degree in Divinity to any Person who without this Act would, under the Act first mentioned, have been entitled to obtain such Degree, and may make such Regulations as to them shall seem just with regard to the examination of such Persons and the conditions upon which such Degrees shall be obtained; but no other Degree in Divinity shall be conferred by the said University.

Present Professors, etc., continued until it be otherwise ordered.

XXVIII. Until it shall be otherwise ordered by the said Chancellor, Vice-Chancellor and Fellows, the present Professors and Lecturers of the said University shall, upon the passing of this Act, and by virtue thereof, be respectively Examiners in the same branches of knowledge in which they are now such Professors and Lecturers, and with the same salaries as they now enjoy, and the other Officers and Servants of the said University shall in like manner continue to hold their offices, salaries and emoluments until it be ordered as aforesaid.

They may be required to give instruction to Students now Matriculated.

XXIX. The said Chancellor, Vice-Chancellor and Fellows may authorize and require any of the Examiners to give Instruction and Lectures to the Students now matriculated in the said University, during such time as may, in the opinion of the said Chancellor, Vice-Chancellor and Fellows, be requisite to afford to such Students a fair opportunity of taking one Degree after the passing of this Act; but no such Examiner, being now a Professor, or Lecturer, in the said University, shall receive for such Instruction or Lectures any allowance beyond his present salary.

Affairs of the University to be economically administered.

XXX. The said Chancellor, Vice-Chancellor and Fellows shall regulate the expenses of the said University with as strict a regard to economy as may be consistent with its thorough efficiency, and shall endeavour so to fix the salaries and allowances of the Examiners and Officers hereafter to be appointed, as that the same may be respectively fairly proportioned to the extent and importance of the duties assigned to them; and all such salaries and allowances shall be fixed by Statute, and no sum exceeding *one hundred pounds* currency shall be expended, or the expenditure thereof authorized, except by Statute.

Scholarships or Prizes may be granted, to a limited amount.

XXXI. The said Chancellor, Vice-Chancellor and Fellows may grant Scholarships, Exhibitions, Prizes and Rewards to persons who shall distinguish themselves at their examination, but the sum to be expended for such purposes in any one year shall not exceed *five hundred pounds*, and such Scholarships shall be of the nature and extent of those next mentioned; and all such Scholarships, Exhibitions, Prizes and Rewards, shall be granted according to Regulations previously made and published.

XXXII. The Scholarships provided for in the Fiftieth Section of the Act first mentioned shall hereafter be held to be Scholarships in any of the Institutions in Upper Canada in which the Course of Instruction prescribed by the Regulations of the University may be gone through and completed; and to each of such Scholarships an annual stipend shall be attached, payable (out of the University funds or by any County, as the case may be), for such periods and on such conditions as shall be fixed by the Regulations to be made in that behalf, and to any Scholarship granted under this or the next preceding Section, there shall also be attached the title of "University Scholar." What the Scholarships under Section 50 of 12 Vict., c. 82, shall be.

XXXIII. There shall be paid out of the Income Fund of the said University the sum hereinafter mentioned to the Institution in Upper Canada (except Upper Canada College, which is already endowed out of the public Lands of that portion of the Province), in which any Person who shall take a Degree in the said University, shall have gone through and completed the Course of Instruction required by the University in order to enable him to take such Degree, that is to say: If such Person take the Degree of Bachelor of Arts, the sum of *twenty-five pounds*; Master of Arts, the sum of *forty pounds*; Bachelor of Laws, the sum of *twenty-five pounds*; Doctor of Laws, the sum of *forty pounds*; Bachelor of Medicine, the sum of *twenty-five pounds;* Doctor of Medicine, the sum of *forty pounds*; to which sums *twenty-five* per cent. shall be added if the person obtaining such Degree shall at the same time take Honours, and a reasonable sum to be fixed by Statute may in like manner be paid to the Institution in Upper Canada, in which any Person who shall obtain a Certificate of proficiency shall have gone through and completed the Course of Instruction required by the Regulations to be made in that behalf. Allowance to Institutions at which Successful Candidates for Degrees or Certificates shall have gone through their course of study.

XXXIV. The Expenditure authorized by the three next preceding Sections shall form part of the sixth charge on the Income Fund of the said University, and the order of precedence in which any of them shall be paid, if the amount of the said Fund be not in any year sufficient to meet the whole, may be fixed by the Statute, or it may be provided that in such case a proportionate amount only shall be paid on account of the whole, or of any portion of such expenditure. Expenditure under 3 next preceding sections, to be part of 6th charge on University funds.

XXXV. No Professorships, or Fellowships, in the said University shall be founded under the Sixth and Seventh Sections of the Act secondly above mentioned, and the Scholarships therein referred to shall hereinafter be held to be such Scholarships as are hereinbefore mentioned. No Professorships, etc., to be founded under Sections 6 and 7 of 13 and 14 Vict., c. 49.

XXXVI. The constitution and duties of the Endowment Board shall not be affected by this Act, except that the Member thereof appointed by the Caput of the said University shall go out of office on the passing of this Act, and shall be replaced by a Member, who shall be appointed by the Chancellor, Vice-Chancellor and Fellows of the said University, and who shall hold his office during their pleasure, as shall also the other Member appointed by the Senate. Endowment Board not to be affected. Exceptions.

The W. H. Boulton University Bill of 1851.

In July, 1851, Mr. William H. Boulton introduced the following University Bill into the House of Assembly, but, for some reason, did not proceed further with it and it was then "dropped."

Bill: An Act to Amend the Charter of the University of Toronto, and to Constitute "The University of Upper Canada" in lieu thereof.

Whereas it is expedient that there should be a University in Upper Canada, so constituted as to afford to all Denominations and classes of Her Preamble.

Majesty's Subjects, without distinction, the means of obtaining those distinctions and evidences of proficiency in the Arts, Faculties and Sciences, and in the various branches of a liberal Academical Education, to which their respective attainments may entitle them; and Whereas experience hath shewn that the principles embodied in Her Majesty's Royal Charter to the University of London, in England, are well adapted to promote the attainment of the objects aforesaid, and would be acceptable to all classes of Her Majesty's Subjects in this Province: Be it therefore enacted, as follows:—

Parts of 12 Vict., c. 82, and the Charter therein referred to repealed in so far as inconsistent with this Act, etc.

That so much of the Act passed in the Twelfth year of Her Majesty's Reign, intituled: "*An Act to amend the Charter of the University established at Toronto by His Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof*," or of the Royal Charter therein referred to, as confers the power of granting Degrees in the Faculties of Arts, Law and Medicine on the Corporation therein mentioned and styled "the Chancellor, Masters and Scholars of the University of Toronto," and all such parts of the said Act, or Charter, as are inconsistent with anything in this Act contained, shall be and the same are hereby repealed; and that the said Corporation shall henceforth be called "University College," and shall continue to be a Body Corporate, with such Collegiate powers and privileges as are conferred upon it by those portions of the said Charter and Act which remain in force after the passing of this Act, or by this Act; and neither such change of name nor anything in this Act shall be construed to make the said College a new Corporation, or to cause any action, or suit, or proceeding in Law, or Equity, to which the said College may be a party to cease, or be discontinued, but the same may be continued upon the suggestion of the passing of this Act, by, against, or with regard to the said College by the corporate name hereby assigned to it, and that nothing in this Act shall be construed to apply to any portion of the Endowment of the said College, other than such as may be necessary for defraying the expenses of management of the University hereinafter constituted, or to alter, change, or vary, the present provision

Proviso.

made for the government, or management, of its funds: *Provided always*, that nothing in this Act shall be taken to destroy the powers, or action, of the Senate of the Corporation aforesaid, hereafter to be called "University College," except only in so far as such powers shall be inconsistent with this Act, but that the said Senate shall continue to exist under the title of "the Council of University College," to be constituted in the manner hereinafter provided, and the Members thereof shall be appointed in the same manner and hold their seats respectively for the same term as prior to the passing of this Act, except in so far as it is herein otherwise provided, nor shall the seat of any Member of the Senate be vacated by the mere passing of this Act;

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and provided also, that the said College shall not be entitled to receive, or charge, fees for Degrees to be granted by the University hereinafter constituted, and that the Scholarships endowed by the said College, or any County, or Counties, of Upper Canada shall, as in the manner hereinafter ordered, be open to all Persons in Upper Canada.

Allowance out of College Funds to defray the expenses of the University.

II. And for the payment of the expenses of the management of the University, hereinafter constituted, be it enacted, That there shall be paid and applied yearly, out of the Income of the Endowment of University College aforesaid, a sum of money adequate for the purpose, and the same is hereby made an annual charge on the said Income, but such annual payment shall not exceed the sum of *five hundred pounds*, and such payment shall cease at any time that such expenses of management may be provided for out of Provincial funds.

III. And Whereas it is expedient to make provision for the re-constitution of the Senate of University College, be it enacted, That there shall be in the said "University College" a deliberative Body to be called "The Council of University College," which shall consist of the President and all the Professors of the said University College, and of six additional Members, who shall be appointed to seats in the said Council by the Crown, and such Council shall have and exercise such rights, power and authority in the said "University College" as in and by the hereinbefore recited Act, the Senate of the University of Toronto had and exercised under the said Act, in the said University of Toronto, save and except where any of such rights, powers and authority may be abolished, or restricted, by this Act: Provided that no Person shall be appointed by the Crown to a seat in the said Council who could not, under the said recited Act, be appointed to a seat in the Senate of the said University of Toronto. Constitution of the Council (heretofore called the Senate) of the College. Proviso.

IV. And be it enacted, That there shall be at the City of Toronto, in Upper Canada, a University to be called "The University of Upper Canada," which shall be a Body Corporate and Politic, and shall have perpetual succession and a Common Seal, and such other corporate powers as may be necessary to the exercise of the powers hereby vested in it, but shall not have the power of holding Property, real or personal; and the said University shall consist of one Chancellor, one Vice-Chancellor, one Pro-Vice-Chancellor, and such number of Fellows as the Governor of this Province shall, from time to time, appoint under his Hand and Seal at arms, and as shall be appointed by the Senate under the power hereinafter contained; and the Governor of this Province shall be the Visitor of the said University. University of Upper Canada constituted.

V. The Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows for the time being shall constitute the Senate of the said University; and the Chancellor shall be appointed by the Governor in the manner aforesaid, and shall continue to hold office for three years, but no Minister, Ecclesiastic, or Religious Teacher, shall at any time be appointed Chancellor. Senate.

VI. Whenever a vacancy shall occur by death, or otherwise, in the office of Chancellor of the said University, the Governor shall nominate and appoint a fit and proper Person to be Chancellor in the stead and place of the one occasioning such vacancy. Vacancy in the office of Chancellor.

VII. The offices of Vice-Chancellor and Pro-Vice-Chancellor of the said University shall be annual ones; and the Members of the Senate shall, at a meeting to be holden by them for that purpose and of which due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and another to be Pro-Vice-Chancellor, and to hold their offices for one year from the time of their election, and the Members of the Senate shall, at a meeting to be holden for that purpose on some day within a month before the expiration of the tenure of the said office, of which meeting due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and another to be Pro-Vice-Chancellor, and so, from time to time, annually; or in case of the death, resignation, or other avoidance of the office of any such Vice-Chancellor, or Pro-Vice-Chancellor, before the expiration of his year of office, shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which due notice shall be given, elect one, or other, of the said Fellows to be Vice-Chancellor, or Pro-Vice-Chancellor, for the remainder of the year in which such death, resignation, or other avoidance, shall happen. Election of Vice-Chancellor and Pro-Vice-Chancellor.

VIII. If at any time by death, or otherwise, the number of Fellows shall be reduced below the number of twenty-four, exclusive of the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor for the time being, then, and in such case, and as often as the same shall happen, the Members of the Senate shall, as soon as conveniently may be, at a meeting to be holden for that Senate may fill vacancies among Fellows when their number is reduced below 24.

purpose, of which due notice shall be given, elect one, or more, fit and proper Persons, firstly from among the Graduates of any University in the British Dominions, who may be resident in Canada, and next, or in case the number cannot be satisfactorily selected from among such Graduates, as aforesaid, then as the said Senate may see fit from among men of sound learning and good standing in the said Province, to be Fellows in addition to the then remaining Fellows, to the end that by means of such election the number of twenty-four Fellows of the said University may be complete.

Majority of Senate to decide.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, shall be decided by the majority of the Members present, and the Chairman at any such meeting shall have a vote, and, in case of equality of votes, a second, or casting, vote.

Quorum.

X. No question shall be decided at any meeting unless the Chancellor, or Vice-Chancellor and Five Fellows, or in the absence of the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, unless six Fellows at the least, shall be present at the time of such decision.

Chairman.

XI. At every meeting of the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, the Chancellor, or, in his absence, the Vice-Chancellor, or, in case of his absence also, then the Pro-Vice-Chancellor, shall preside as Chairman; or, in the absence of both, a Chairman shall be chosen by the Members present, or the major part of them.

Appointing Officers, etc.

XII. The said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows for the time being shall have full power, from time to time, and as they shall see occasion, to remove all Examiners, Officers and Servants of the said University.

Examiners to be appointed.

XIII. That once at least in every year the said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall nominate certain Professors, or Lecturers, from amongst those belonging to the Colleges in connection with the said University, or such other men of learning as they may see fit, to be the Board of Examiners of the University; Provided always, that no two Professors of the same branch of education be appointed to the said Board of Examiners, but the said Examiners shall be chosen in such manner as that the respective subjects of Education, or learning, be fully represented in the said Board; and at every Examination the Candidates shall be examined in as many branches of knowledge as the Senate shall consider most fitting subjects for such examination, and as shall be declared by previous Statute passed by the said Senate.

Proviso.

What Institutions shall be in connection with the College.

XIV. And in order to extend the benefits of Colleges and Establishments already instituted in the Province for the promotion of Literature, Science, and Arts, by connecting them for such purposes with the said University, all Persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws, or Bachelor of Medicine, or Doctor of Medicine, to be conferred by the said University of Upper Canada, on satisfying the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows that such Persons have, in any of the Institutions hereinafter mentioned, completed such Course of Instruction as the said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall, by Regulations made as aforesaid, from time to time determine; and the Institutions in which such Course of Instruction may be completed shall be those hereafter mentioned, that is to say, all Universities and Colleges in Canada, or in any other part of Her Majesty's Dominions empowered to grant Degrees in the Arts and Faculties; Upper Canada College and all other incorporated Colleges in Canada; all Colleges and Educational Institutions in connection with the University of London, in England, and also such other Institutions as now are, or shall hereafter be, established for the purposes of Education

within this Province, as shall be recommended for affiliation to the Governor-General by the Senate of the University, and so appointed by him.

Power to confer Degrees.

XV. The said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall have power, after examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the branches of Medicine, Surgery, Midwifery and Pharmacy; and such reasonable fees shall be charged to the Candidates for Degrees as the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall, by Regulations or By-laws in that behalf, from time to time, determine.

Names of Successful Candidates to be declared, etc.

XVI. At the conclusion of every examination of Candidates for Degrees, the Examiners shall declare the name of every Candidate whom they shall deem to be entitled to any of the said Degrees, and the departments of knowledge in which his proficiency shall have been evinced, and also his proficiency in relation to other Candidates, and he shall receive from the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, a Certificate under the Seal of the University, and signed by the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, in which the particulars so declared shall be stated.

Standard of acquirements not to be inferior to that of the University of London for the same Degree, etc.

XVII. The Regulations to be made with respect to the literary and scientific attainments of Candidates for Degrees and their examination shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, permit, be similar to those in force for like purposes in the University of London, to the end that the standard of qualification in the University of Upper Canada may not be inferior to that adopted for a like Degree, Certificate, or Honour, in the University of London.

Examiners to be sworn.

XVIII. The Examiners may be required to take the following Oath of office before the Chancellor, or Vice-Chancellor, or Pro-Vice-Chancellor:—"I swear that I will perform my duty of Examiner without fear, favour, affection, or partiality towards any Candidate, and that I will not knowingly allow to any Candidate any advantage which is not equally allowed to all; so help me God."

Provision as to Degrees in Divinity.

XIX. And as regards Degrees in Divinity, be it enacted, That no one shall be admitted to any Degree in Divinity in the said University who has not previously taken a Degree in the Faculty of Arts in the said University or in some other University in the British Dominions, as a guarantee to the Senate of his literary attainments; and that the Degree of Bachelor, or Doctor, in Divinity shall be conferred upon such Candidates being Graduates as aforesaid, as shall produce to the said Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, a Certificate of their having been examined for such Degree and entitled thereto by at least three Priests, Ministers, or Ecclesiastics, appointed for that purpose by the College in connection with the University of Upper Canada, to which the said Candidate shall belong, provided that such Certificate shall be approved by the Head of the College by which such Examiners were appointed, and sealed with its Corporate Seal.

Colleges may frame their own regulations, except as to standard of acquirement.

XX. And be it enacted, That each College in connection with the said University may, according to its powers in that behalf, frame its own By-laws for its good government, internal Regulations, etcetera, independently of the Senate of the said University: provided nevertheless that each College shall be required to conform and comply with the standard of acquirement laid down by the said Senate in so far as relates to Degrees in the Faculties of Arts, Law and Medicine.

Affairs to be economically administered.

XXI. The said Chancellor, Vice-Chancellor and Fellows shall regulate the expenses of the said University, with as strict regard to economy as may be consistent with its thorough efficiency, and shall endeavour so to fix the

fees and allowances of the Examiners and Officers hereafter to be appointed, as that the same may be respectively fair proportioned to the extent and importance of the duties assigned to them; and all such fees and allowances shall be fixed by Statutes.

Scholarships under sect. 50 of 12 Vic., ch. 82, to be Scholarships in any College connected with the University.

XXII. And be it enacted, That the Scholarships provided for in the Fiftieth Section of the said recited Act shall hereafter be held to be Scholarships in any College in connection with the said University of Upper Canada; and that the Examination for such Scholarships shall be conducted by the Board of Examiners of the said University of Upper Canada hereinbefore provided for, and any Person who shall have obtained any such Scholarship shall immediately signify in writing to the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor of the University of Upper Canada the name of the College in connection with the said University at which he intends to reside, and may then reside at and attend such College, and have and enjoy at the said College all the privileges and emoluments of the said Scholarship.

Names of successful candidates for Scholarships to be reported.

XXIII. And be it enacted, That the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor of the said University, shall without delay report to the Council of the said University College the names of all those who shall have obtained such Scholarships upon the Examinations to be had as aforesaid, and upon receiving such Report the said Council of the said University College shall permit the Parties who have obtained the said Scholarships to receive, and shall grant all necessary orders and do every necessary act to enable such parties to receive the emoluments of such Scholarships.

Draft Sketch of an University Bill Prepared by the Reverend Doctor Ryerson, 1852, Sent to the Honourable Francis Hincks.

On the failure of the Sherwood and Boulton University Bills to pass the Legislature, the Reverend Doctor Ryerson, after consultation with the Honourable Francis Hincks, then a Member of the Government, prepared the following Draft of a University Bill, which he sent to the Honourable Mr. Hincks, with an elaborate Explanatory Letter, at the close of which he said:

In conclusion, I may remark that the plan I have proposed in this Communication appears to me to possess, among others, the following advantages:—

1. It will give the fullest practical effect to the theory, long advocated, of a Provincial University.

2. It will continue, to those who desire it, the privilege of a "non-sectarian College."

3. It will satisfy the wishes of those largest sections of the community who insist upon Denominational Colleges; and it will efficiently aid these Colleges, without "endowing sectarianism."

4. It will secure the integrity of the University Endowment, and provide for a much more economical and efficient application of it than that which is now made.

5. It will associate with the Higher Education of Youth those Religious and Moral Influences, restraints and aids, which are the great agents and best guarantees of the virtues and morals of the Country.

6. It will give harmony and completeness to our whole System of Public Instruction, and bring into operation new and powerful agents and influences for the advancement and extension of the higher branches of general Science and Literature.

7. It will secure the important desideratum of placing at the disposal of the Crown a large and rapidly increasing University Fund, which may be applied, from time to time, (perhaps most satisfactorily and judiciously, on the recommendation of the Regents [or Senate] of the University of Upper Canada,) as the wants and interests of the Country

shall require,—increasing the facilities of Collegiate Education, as well as promoting the extension of practical Science and the diffusion of general Literature.

I should feel it necessary to apologize for the length of this Communication were I not satisfied, from your own great experience, that you are fully sensible of the impossibility of presenting within narrow limits anything like a clear and impressive exposition of topics so intricate, numerous and important as those which have entered into the University System submitted to your consideration.

TORONTO, July 22nd, 1852. EGERTON RYERSON.

ENCLOSURE: A PROPOSED BILL OF AN ACT FOR THE ESTABLISHMENT OF AN UNIVERSITY, AND THE PROMOTION OF A SYSTEM OF LIBERAL AND GENERAL EDUCATION IN UPPER CANADA.

Preamble. Whereas, it is the duty of this Legislature, for the advancement of Religion and Morality, and the promotion of useful knowledge, to hold forth to all classes and denominations of Her Majesty's Faithful Subjects in Upper Canada, without any distinction whatsoever, every possible facility and encouragement for pursuing a regular and liberal course of Education, and for the acquisition and extensive and useful knowledge in Literature, Science and the Arts:

And whereas, the University Endowment of Upper Canada ought to be made as effective as possible for the promotion of these generous and patriotic objects, but it is far from being so now, and is not likely to be so under the law, as it now exists:

And whereas, it is the conviction of a very large portion of the people of Upper Canada that the Religious and Moral principles and habits of Youth ought not to be wholly unprovided for, neglected and disregarded, while separated from the care and instructions of their own Parents and Pastors, in the prosecution of a Liberal Education—a conviction that ought to be respected and recognized as the basis of public order and liberty:

And whereas, the interests of sound learning and knowledge would be advanced in Upper Canada by the creation of a Body, the most learned and respectable, (and not identified with, and influenced by, considerations peculiar to any one College, sectional interest, or party,) to confer merited Degrees and Honours in Literature, Science, and the Arts.

And whereas, it has been found by experience in England that the London University, by means of Examinations, has been able to maintain a high National Standard of Liberal Education, and, at the same time, to countenance and encourage the fullest and widest exercise of the right and liberty of teaching on the part of Religious Persuasions, Corporations, and Individuals:

And whereas, it is desirable and important to adopt, and adapt, as far as possible, to the wants and circumstances of the People of Upper Canada, the principles of the London University, to develop and combine the influence and exertions of all Denominations and classes of the population in the great work of promoting liberal education, to provide facilities for instruction in the Science of Agriculture, Mechanics and Civil Engineering, as well as in the Higher Branches of Literature and Science, and to give unity and efficiency to every department of the system of Public Instruction in Upper Canada.

Powers of Senate and Endowment Board transferred to Crown Lands Department. I. *Be it therefore enacted, etcetera*, That for, and notwithstanding, anything contained in any Law, or Statute, to the contrary, all the powers heretofore exercised by the Senate and Endowment Board of the University of Toronto, in regard to the Endowment and Property of whatever kind belonging to the said University, shall be, and are hereby, transferred to the Crown, to be exercised hereafter through the Commissioner of Crown Lands.

1st Proviso. *Provided always*, That the foregoing provision, as far as it related to the Endowment Board, shall not take effect until official intimation be given to the said Board, that the said Commissioner of Crown Lands is prepared to assume the discharge of the duties assigned to him by this Act; whereupon the functions of the said Endowment Board shall cease and determine, and all Books, Papers, Documents, and other Property belonging to the said University, shall be delivered over to the said Commissioner of Crown Lands.

2nd Proviso. *Provided secondly*, That all lawful Contracts, or Agreements, made, and Obligations incurred, by the Senate and Endowment Board of the said University shall devolve upon, and be fulfilled by, the Crown.

3rd Proviso. *Provided thirdly*, That the proceeds of the Lands, or Funds, of the said University, after deducting the necessary expenses of management, shall be expended for the promotion of Science, Literature and Knowledge in connection with the University of Upper Canada, and for no other purpose whatever.

University of Upper Canada constituted. II. *Be it enacted*, That there shall be established at Toronto a Body Politic and Corporate, by the name of the University of Upper Canada, the Government of which shall be vested in a Senate, and the object of which shall be:

(1). To ascertain, by means of examinations, the Persons who have acquired proficiency in Literature, Science, and the Arts, and reward them by Academical Degrees, as evidence of their respective attainments, and by marks of honour proportionate thereunto:

Functions of the University. (2). To impart knowledge in the higher departments of Science, Literature and the Arts, by means of Professors, Lectures, and Publications.

(3). To prescribe the conditions on which Academical Degrees and Honours shall be conferred, to make the Regulations to be observed, and prescribe the Subjects to be pursued in the Grammar, Normal and Common Schools of Upper Canada, the Text-Books to be used in the said Schools, and the Books for Grammar and Common School Libraries, and the Rules of managing them.

Senate constituted. III. *Be it enacted*, That the Senate of the University of Upper Canada shall consist of the Professors therein, the Judges of the Courts of Queen's Bench, Chancery and Common Pleas, in Upper Canada, the Chief Superintendent of Education for Upper Canada, the President, or other Head, of each of the Colleges which shall become connected with the said University, and not less than six, nor more than twelve, other Persons, to be appointed by the Crown during pleasure. The precedence of Members shall be determined by the foregoing order of their names, by the order of the incorporation of their Colleges with the University, and by the order of their appointment to the Senate. All questions as to the precedence of Members shall be decided by the Senate.

Officers of the University. IV. *Be it enacted*, That the Officers of said University of Upper Canada shall be a Chancellor, Vice-Chancellor, Professors and Lecturers. The Chancellor shall be appointed by the Crown during pleasure; the Vice-Chancellor, Professors and Lecturers shall be appointed by the Senate of said University. The Chancellor shall preside at all Meetings of the Senate of said University, and, in his absence, the Vice-Chancellor, and, in the absence of both, the Senior Member of said Senate.

Proviso. *Provided always*, That no appointment of a Professor, or Lecturer, in the said University of Upper Canada shall take effect until first approved by the Governor-General.

Meetings of Senate. V. *Be it enacted*, That all Meetings of the Senate, except adjourned Meetings, shall be held at such time and place as the Chancellor may appoint, or, in case of the office being vacant, or he be absent, the Vice-Chancellor, or, if

he also be absent, or the offices of both be vacant, the Senior Member, shall appoint the time and place of Meeting; and, at all Meetings of the Senate, seven Members shall be a Quorum for the transaction of business; and all questions of business shall be decided by vote, and the presiding Officer shall have a second, or casting, vote in case of an equality of votes on any question.

Provided always, That the Members present, whether a Quorum or otherwise, at any Meeting lawfully called, shall have power to adjourn from time to time, not exceeding six days at a time. 1st Proviso.

Provided also, That a Meeting shall be called by the Officer, or Member, authorized to appoint the same, whenever any three Members, in writing, so request. 2nd Proviso.

Provided likewise, That no Meeting of the Senate, except an adjourned one, shall be deemed lawful, unless six days' notice of the same, from the time of calling it, shall be given to all of the Members. 3rd Proviso.

VI. *And be it enacted*, That the Senate of the said University of Upper Canada shall be a Corporation, and, for the time being, shall have the entire management of, and superintendence over, the affairs, concerns, Property and Income which shall be granted to, or placed at the disposal of, the said Senate; to appoint such Officers and Servants, and determine their duties and compensation, as said Senate shall think proper; and, in all cases unprovided for by this Act, it shall be lawful for the Senate to act in such manner as it shall judge best calculated to promote the purposes intended by the University, and shall have full power, from time to time, to make and alter any By-Laws and Regulations, or Orders, touching the examination for Degrees and the granting of the same; touching the mode and time of conveying the Meetings of the Senate; and, in general, touching all matters, whatsoever, regarding the said University. And all such By-Laws, Regulations and Orders, when reduced into writing, and signed by the Chancellor, Vice-Chancellor, or other presiding Officer of the Senate, shall be binding upon all Persons and upon all Members thereof, and all Candidates for Degrees to be conferred by the same; all such By-Laws, Regulations and Orders, having first been submitted to the Governor-General, through the Secretary of the Province, and not having been disapproved by him, within three months after the passing thereof. And the Senate of said University shall have full power and authority to confer Degrees in all the Arts and Faculties, (that of Divinity excepted,) including Honorary Degrees, Degrees *ad eundem*, and all other University powers and privileges, and fully and effectually, to all intents and purposes whatsoever, as such power and authority is held, possessed, or enjoyed, by the Universities of the United Kingdom of Great Britain and Ireland, or any of them:

Senate to be a corporation.

Its Powers.

By-laws, Regulations, and Order to be binding.

Conferring of Degrees.

Senate to possess all other Powers.

Provided always, That all persons who, up to the time of the passing of this Act, have received Degrees from any University or College, invested by law with University powers in Upper Canada, shall be entitled to all the privileges which shall be enjoyed by Persons receiving the same Degrees from the said University of Upper Canada. Proviso.

This Draft of Bill and accompanying Letter from Dr. Ryerson Mr. Hincks acknowledged. In a subsequent Letter to Doctor Ryerson, Mr. Hincks said:—

(*Confidential.*) 1. You understand enough of the working of Governments not to be surprised at my delay in answering your valued Letter of the 22nd ultimo, on the subject of Collegiate Education in Upper Canada, which has had my best attention.

2. Of all subjects that I have had to deal with, this one presents the greatest difficulties, owing to prejudices, which it is evident you fully understand.

3. I think in substance, (*i.e.*, in all but very minor details,) your Educational Scheme would give satisfaction to the public, and I can hardly help thinking that, if brought forward boldly by the present Ministry, it might be carried. It would be certainly a most important advantage to the existing Colleges, and they ought to make some sacrifices to aid us.

4. Let me begin by saying that I think we are all agreed on some points, which I will state.

First, That the management of the University Trust be vested in the Government.

Second, That the University shall be on the plan of the University of London, not to teach, but to test by Examination.

Third, There shall be on the University foundation a number of Professorships, or Lectureships, to be increased from time to time, and to be agreed upon when the Bill comes to be passed. Chemistry might, I think, be included; Natural History, Political Economy, etcetera. I need not describe them further. History must, I think, be left to the Colleges, as Roman Catholics and Protestants would not likely agree in regard to it, and, probably, all Protestants would find a difficulty in doing so.

Fourth, There should be one University College affiliated to the University, with a fixed sum allowed for its maintenance and the use of certain Buildings to be agreed upon.

Fifth, No allowance should be made to such College, for Professorships in either Law or Medicine. I think we could all agree on the foregoing propositions.

4. I now come to the affiliation of the other Colleges. Certain conditions would have to be prescribed. What should those be? Here is the difficulty. I would not be disposed to press the conditions too hard, but you must be aware that there would be tremendous difficulty in our agreeing to anything like the old Draper method of division. The condition spoken of is the abolition of all Religious Tests, either for Professors, or Students. While this would be very important, in relieving us from any direct sanction of sectarianism, it would not practically, I apprehend, be of any consequence. I should not suppose that in Trinity College they required the protection of a test. But,

Secondly, Would the Colleges surrender the privilege of conferring Degrees in Arts, retaining the power of conferring them in Divinity? What Colleges should be affiliated, and in what way? If we take all Incorporated Colleges, we would have a second Roman Catholic one, at Bytown. If we designate by name, we should appear to exclude all but sectarian ones.

5. However, I think we have pretty much made up our minds not to legislate this Session regarding the mode of affiliation. If a very good plan were hit upon, this might be changed, especially if we found the scheme likely to take. We are considering whether we might not legislate on the several points in which we can more freely agree at once.

6. I wish you would quietly sound a few on whom you can rely. . . . You might speak of the Bill as a desirable measure, if an agreement could be come to, among the various classes of Christians, without interfering with their conscientious convictions. I would like especially to know whether Doctor Strachan, the Bishop of Toronto, could do anything, and if so, what? . . .

QUEBEC, 9th of August, 1852. FRANCIS HINCKS.

NOTE.—To this Letter from the Honourable Francis Hincks, a private reply was sent, but no copy of it is available. It was, however, acknowledged by Mr. Hincks in the following Communication addressed to him by Doctor Ryerson :

(*Confidential.*) Yours of the 18th instant I have just received. The best mode of affiliation I think would be, in addition to the suggestions made by you, to require an Act of Incorporation and a Legislative Grant equal, at least, to the amount to be granted from the University Funds. At all events, I think that the Act of Incorporation should be required. . . .

I think you had better go to work on a University Bill, [in harmony] with our own views. Get from Doctor McCaul information as to what he would require as a Staff for University College; and I also think it would be well to find out from others what Professorships they would think might be common to all the other Colleges—I mean those on the University foundation and giving free Lectures, or nearly so. Surely even the Roman Catholics can agree to something [practical]. . . .

QUEBEC, 21st August, 1852. FRANCIS HINCKS.

Shortly afterwards Mr. Hincks, in a Note, acknowledged the receipt from Doctor Ryerson of his Draft of a University Bill, and also his explanatory Letter. He said:—

I have received your Letter and Draft of Bill, and as you propose coming down I shall, with your permission, postpone all remarks on them until we meet. . . .

QUEBEC, 10th September, 1852. FRANCIS HINCKS.

On the next day, Mr. Hincks again wrote to Doctor Ryerson on the University matter, as follows:—

(*Confidential.*) I find that it will be essential to any Scheme for the University, that there should be no tests, either for Students, or Professors, excepting those for Divinity [Students, and Professors], or, at all events, those receiving aid from the University Funds, or from Parliament. . . .

I do hope that we shall mature a really good [University] Measure. . . .

QUEBEC, 11th September, 1852. FRANCIS HINCKS.

NOTE.—On the 22nd of September, Mr. Hincks sent to Doctor Ryerson a copy of the proposed University Bill, which he had, on the day before, introduced into the House of Assembly, and he accompanied the copy with the following Note:—

(*Private.*) I enclose a copy of the University Bill, and shall be glad of any remarks from you [on it]. The changes you will, I trust, not consider of material importance.

QUEBEC, 22nd September, 1852. FRANCIS HINCKS.

NOTE.—As the University Bill was not to be proceeded with until the adjourned Session of the Legislature in February, 1853, no further changes were made in it, although Mr. Hincks and Doctor Ryerson conferred together on the subject in November, and on the changes in the Bill, as introduced into the Legislature.

Owing to various causes, well known at the time, the University question of that day was not settled as either Mr. Hincks, or Doctor Ryerson, desired. After consultation with friends, supporters and others, the Members of the Government agreed to a compromise Measure, which was embodied in a new Draft of Bill, which was entrusted to the Honourable Francis Hincks to carry through the Legislature, which he did, as follows, and passed as the University Act of 1853:

16TH AND 17TH VICTORIA, CHAPTER LXXXIX.

AN ACT TO AMEND THE LAWS RELATING TO THE UNIVERSITY OF TORONTO BY SEPARATING ITS FUNCTIONS AS A UNIVERSITY FROM THOSE ASSIGNED TO IT AS A COLLEGE, AND BY MAKING BETTER PROVISION FOR THE MANAGEMENT OF THE PROPERTY THEREOF, AND OF UPPER CANADA COLLEGE.*

The Earl of Elgin and Kincardine, Governor-General.

[Received the Royal Assent, April 22nd, 1853.]

Preamble. Whereas the Enactments hereinafter repealed have failed to effect the end proposed by the Legislature in passing them, inasmuch as no College, or Educational Institution, hath, under them, become affiliated to the University to which they relate, and many Parents and others are deterred by the expense and other causes, from sending the youth under their charge to be educated in a large City distant, in many cases, from their homes; and:

Whereas, from these and other causes, many do and will prosecute and complete their studies in other Institutions in various parts of this Province, to whom it is just and right to afford facilities for obtaining those scholastic Honours and Rewards which their diligence and proficiency may deserve, and thereby to encourage them and others to persevere in the pursuit of knowledge and sound learning; and:

Whereas experience hath proved the principles embodied in Her Majesty's Royal Charter to the University of London, in England, to be well adapted for the attainment of the objects aforesaid, and for removing the difficulties and objections hereinbefore referred to:

Imperial Act of 1840. *Be it therefore enacted*, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same:

Act of 1849: 12 Vict., Chap. 82, Repealed. I. That the Act passed by this Legislature in the Twelfth Year of Her Majesty's Reign, and intituled: "An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof." And the Act passed in the Session held in the Thirteenth and Fourteenth Years of Her Majesty's Reign, and intituled: "An Act to Remove certain Doubts respecting the intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to provide for the institution and endowments of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards connected with the said University and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof," are hereby repealed, as is also so much of the Charter referred to in the Act, first mentioned, as may be inconsistent with this Act, but so much of the said Charter as shall not be inconsistent with this Act shall remain in force.

Act of 1850, 13th and 14th Vict., Chap. 49: Repealed.

Royal Charter 1828.

* Certain changes in the Sections of the latter part of this Act, as originally drafted, were made in it as it passed through the Legislature. These changes are indicated in the particular Sections, in which either changes, or additions, were made. The additions will be put in italic type; and the omissions in brackets, and in Brevier type.

CONSTITUTION OF THE UNIVERSITY OF TORONTO, 1853.

Corporate name of the University.

II. The University established by the Charter aforesaid, and mentioned in the said Acts, shall henceforth be called the University of Toronto, and shall continue to be a Body Corporate, with the powers vested in Corporate bodies by the Interpretation Act of this Province, and power to hold such real property as may be assigned to it under the provisions of this Act, and such other powers and privileges as are conferred upon it by those portions of the said Charter remaining in force, or by this Act, but such powers shall be exercised in accordance with the provisions of this Act.

Its General Powers.

Functions of the University defined.

III. There shall be no Professorship, or other Teachership, in the said University of Toronto, but its functions shall be limited to the examining of Candidates for Degrees in the several Faculties, or for Scholarships, Prizes, or Certificates of Honour, in different branches of knowledge, and the granting of such Degrees, Scholarships, Prizes and Certificates of Honour, after examination, in the manner hereinafter mentioned.

Corporation, how composed.

IV. The said Corporation of the University of Toronto shall hereafter consist of one Chancellor, one Vice-Chancellor, and such number of other Members of the Senate as the Governor of this Province shall, from time to time, appoint under His Hand and Seal-at-Arms, and as shall be appointed by the Senate under the power hereinafter given.

Senate: Chancellor and Vice-Chancellor.

V. The Chancellor, Vice-Chancellor and other Members of the Senate, for the time being, shall constitute the Senate of the said University; and the first Chancellor and Vice-Chancellor shall be appointed by the Governor in the manner aforesaid.

Vacancies in the Chancellorship.

VI. Whenever a vacancy shall occur in the office of Chancellor of the said University, either by death, resignation, or otherwise, the Governor may, in the manner aforesaid, nominate a fit and proper person to be Chancellor, instead of the Chancellor occasioning such vacancy.

Office of the Vice-Chancellor after the first appointment to be elective.

Election to be biennial.

VII. The office of Vice-Chancellor of the said University shall be a biennial one,—that is to say, the term of office of each Vice-Chancellor shall expire on some day in the calendar year, next but one after that in which he shall have been appointed, or elected, and the day on which the term of office shall expire shall be appointed by a Statute of the University; and the Members of the Senate shall, at a Meeting to be holden for that purpose, on some day within a month before the expiration of the said term of office, of which Meeting notice shall be given in such manner as shall be fixed by a Statute of the University, elect some one of the Members of the Senate to be Vice-Chancellor, when the term of office of the then Vice-Chancellor shall expire, and so, from time to time, biennially; or, in case of death, resignation, or other vacancy in the office of any such Vice-Chancellor, before the expiration of his term of office, they shall, at a Meeting to be holden by them for that purpose, as soon as conveniently may be, of which notice shall be given in manner aforesaid, elect one other of the said Members of the Senate to be Vice-Chancellor for the remainder of the term in which such death, resignation, or other avoidance shall happen.

Election of Members of the Senate by the remaining Members in certain cases.

VIII. If at any time, by death or otherwise, the number of the said Members of the Senate shall be reduced below the number of ten, exclusive of the Chancellor and Vice-Chancellor for the time being, then, and in such case, and as often as the same shall happen, if the Governor do not think proper to complete the said number by appointment, the Members of the Senate shall, as soon as conveniently may be, at a Meeting to be holden for that purpose, of which notice shall be given in such manner as shall be provided by a Statute of the University, elect one, or more, fit and proper persons to be Members of the Senate, in addition to the then remaining Members thereof,

to the end that, by means of such election, the number of ten Members of the Senate of the said University may be completed, exclusive of the Chancellor and Vice-Chancellor of the said University; but no person shall be appointed, or elected, a Member of the Senate who shall not be a subject of Her Majesty.

Governor to be Visitor.

IX. The Governor of this Province shall be, (as heretofore,) the Visitor of the said University, on behalf of Her Majesty, and such Visitorial Powers may be exercised by Commission, under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor, shall be binding on the said University and its Members and on all others whomsoever.

Senate to manage the business of the University.

Power to make Statutes.

X. The Chancellor, Vice-Chancellor and Members of the Senate, for the time being, shall, (subject to the provisions of this Act relative to the income and Property of the said University,) have the management of, and superintendence over, the affairs and business thereof; and, in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate to make such Statutes, and to act in such manner, as to them shall appear best calculated to promote the purposes of the said University; and the said Chancellor, Vice-Chancellor and Members of the Senate shall have such power, from time to time, to make and alter any Statutes, (so as the same be not repugnant to the Laws of Upper Canada, or to the General objects and provisions of this Act,) touching the examination for Degrees, or for Scholarships, Prizes, or Certificates, and the fees to be paid by Candidates for examination, or upon taking any Degree, and the application of such fees, and touching the periods of the regular Meetings of the Senate and the mode of convening special Meetings thereof, and, in general, touching all other matters whatsoever regarding the said University, or the business thereof, or for any purpose for which provision may be required for carrying out this Act, according to its intent and spirit in any case unprovided for by this Act; and all such Statutes, when reduced into writing, and after the Common Seal of the said University shall have been affixed thereto, and after they shall have been approved by the Visitor, shall be binding upon all persons being Members, or Officers, thereof, and upon all Candidates for Degrees, Scholarships, Prizes, or Certificates of Honour to be conferred by the said University, and all others whom it may concern, a certified copy of such Statutes being deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the said University, for his approval; and no such Statute shall have force, or effect, until it shall have been approved by the Visitor and such approval signified to the Senate through the said Secretary: Provided always, that by any such Statutes approved, as aforesaid, power may be given to any Committee, Officers, or Persons, to make Regulations for the better carrying out of the Provisions, or object, of any Statute, in the manner and to the extent therein prescribed.

Statutes to be approved by the Visitor before they are binding.

Proviso.

Power to grant Certificates of Honour.

XI. In addition to the power of conferring Degrees in Arts and Faculties vested in the said University, the said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to grant Certificates of Honour in such branches of knowledge as they shall, from time to time, by Statutes to be made by the Senate in that behalf, determine.

Majority to decide, and etcetera.

XII. All questions which shall come before the Chancellor, Vice-Chancellor and Members of the Senate shall be decided by the majority of the Members present; but, in case of equality of votes, the maximum *praesumitur pro negante* shall prevail.

Quorum.

XIII. No question shall be decided at any Meeting unless the Chancellor, or Vice-Chancellor, and four other Members of the Senate, or, in the absence

of the Chancellor and Vice-Chancellor, unless five other Members of the Senate, at the least, shall be present at the time of such decision, nor shall any Meeting be legally held unless held at the time, or convened in the manner provided for by the Statute, as aforesaid. Legal Meetings of the Senate.

XIV. At every Meeting of the Chancellor, Vice-Chancellor and Members of the Senate, the Chancellor, or, in his absence, the Vice-Chancellor, shall preside as Chairman, or, in the absence of both Chancellor and Vice-Chancellor, a Chairman shall be chosen by the Members present, or a majority of them. Chairman.

XV. The said Chancellor, Vice-Chancellor and Members of the Senate, for the time being, shall have full power to appoint by Statute, from time to time, and as they shall see occasion, to remove in like manner, all Examiners, Officers and Servants of the said University, except the Bursar hereinafter mentioned. Offices.

XVI. Once, at least, in every year, at a time or times to be fixed by Statute of the Senate, the said Chancellor, Vice-Chancellor and Members of the Senate shall cause to be held an Examination of the Candidates for Degrees, Scholarships, Prizes, or Certificates of Honour, as aforesaid; and, at every such Examination, the Candidates shall be examined orally, or in writing, or otherwise, in as many branches of general knowledge as the Chancellor, Vice-Chancellor and Members of the Senate shall consider the most fitting subjects for such examination; and special Examinations may be held for Honours; and all such Examinations shall be open and public. Examination for Degrees, etcetera. For Honours.

XVII. And, in order to extend the benefits of Colleges and Establishments already instituted in this Province for the promotion of Literature, Science and the Arts, whether incorporated, or not incorporated, by connecting them, for such purpose, with the said University, all persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts and Master of Arts, to be conferred by the said University of Toronto, on satisfying the Chancellor, Vice-Chancellor and Members of the Senate, by proper Certificates, that such persons have, in any of the Institutions hereinafter mentioned, gone through and completed such course of instruction as the said Chancellor, Vice-Chancellor and Members of the Senate shall, by Statutes to be made by the Senate as aforesaid, from time to time, determine; and the Institutions in which such course of instruction may be completed shall be those hereinafter mentioned, that is to say: all Colleges in Upper, and Lower, Canada incorporated by Royal Charter, or by Act of the Parliament of this Province, or of either of the late Provinces of Upper, or Lower, Canada, and also such other Institutions, corporate, or unincorporated, as now are, or shall hereafter be, established for the purposes of Education within this Province, which the Governor of this Province shall, from time to time, prescribe to the said Chancellor, Vice-Chancellor and Members of the Senate, under His Hand and Seal-at-Arms. From what college, etcetera, students may be examined for degrees in Arts. Governor may nominate others.

XVIII. And, for the purpose of granting the Degrees of Bachelor of Medicine and Doctor of Medicine, and the improvement of Medical Education in all its branches, as well in Medicine as in Surgery, Midwifery and Pharmacy, and for the purpose of granting the Degrees of Bachelor of Laws and Doctor of Laws respectively, the said Chancellor, Vice-Chancellor and Members of the Senate shall, from time to time, report to the Governor of this Province, through the Provincial Secretary, what appears to them to be the Medical Schools and Institutions, or the Law Schools and Institutions, whether corporate, or unincorporated, in this Province, from which, either singly, or jointly with other Medical or Law Schools, or Institutions, in this Province, or in other parts of Her Majesty's Dominions, or in Foreign Parts, From what Institutions Students may be examined for Degrees in Law and Medicine.

it may be fit and expedient, in the judgment of the said Chancellor, Vice-Chancellor and Members of the Senate, to admit Candidates for Degrees in Medicine, or in Law, and, on approval of such report by the Governor, shall admit any person to examination as a Candidate for the respective Degrees of Bachelor of Medicine, or Doctor of Medicine, Bachelor of Laws, or Doctor of Laws, to be conferred by the said University, on his satisfying the said Chancellor, Vice-Chancellor and Members of the Senate that such Candidate has therein gone through and completed a course of instruction during such period as they shall, by Regulations in that behalf, determine; and it shall be lawful for the said Chancellor, Vice-Chancellor and Members of the Senate, from time to time, with the approval of the Governor, to vary, alter and amend any such reports, by striking out any of the said Institutions, or Schools, included therein, or by adding others thereto; and all Institutions from which, under this, or the next preceding, Section, Students may be examined for Degrees, shall be said to be affiliated, for that purpose, to the said University.

Affiliated Institutions, what.

Power to confer Degrees in Arts and Faculties.

XIX. The said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the four branches of Medicine, Surgery, Midwifery and Pharmacy: and such reasonable fees shall be charged to the Candidates for Examination, for Degrees, or for Certificates of Honour, as aforesaid, as the Chancellor, Vice-Chancellor and Members of the Senate shall, by Statute of the Senate, in that behalf, from time to time, determine, and such fees shall be paid and applied as shall be determined by a Statute of the Senate.

Fees.

[XX. (*in Draft of Bill.*) At the conclusion of every Examination of Candidates for Degrees, the Examiners shall declare the name of every Candidate whom they shall deem to be entitled to any of the said Degrees, and the departments of knowledge in which his proficiency shall have been evinced, and also, if he has been examined for Honours, but not otherwise, his proficiency in relation to other Candidates, also examined for Honours, and he shall receive from the Chancellor a Certificate, under the Seal of the University, and signed by the Chancellor, in which the particulars so declared shall be stated.]

Relative degrees of proficiency to be declared in certain cases.

Standard of Qualification for Degrees, and etcetera.

XX. The Regulations to be made with respect to the literary and scientific attainments of persons obtaining Degrees, or Certificates of Honour, and their examination shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and Members of the Senate, permit, be similar to those in force for like purposes in the University of London, to the end that the standard of qualification in the University of Toronto may not be inferior to that adopted for a like Degree, Certificate, or Honour in the University of London.

[XXI. (*in Draft of Bill.*) At the conclusion of every Examination of Candidates for Certificates of proficiency, as aforesaid, the Examiners shall, under such Regulations as shall be made by Statute in that behalf, classify such Candidates according to their degrees of proficiency, and declare such relative proficiency, either by Certificate, to be granted to them respectively, under the Seal of the University, or in and by published lists of the Candidates to whom such Certificates shall have been granted.]

Examiners to make a declaration of impartiality.

XXI. The Examiners may be required to make the following Declaration before the Chancellor, or Vice-Chancellor:

"I solemnly declare that I will perform my duty of Examiner, without fear, favour, affection, or partiality, towards any Candidate, and that I will not knowingly allow to any Candidate any advantage which is not equally allowed to all. So help me God."

XXII. The said Chancellor, Vice-Chancellor and Members of the Senate may make such special Regulation, as to them shall seem just, with regard to the Examination of Students who have matriculated in the said University before the passing of this Act, and with regard to the completion by them of the prescribed course of instruction, but in so far only as relates to the first Degree to be taken by any such Student after the passing of this Act, after which they shall be subject to the same Regulations as other Candidates. As to students in the University before the passing of this Act.

XXIII. The said Chancellor, Vice-Chancellor and Members of the Senate may grant Scholarships, Prizes and Rewards to persons who shall distinguish themselves at their examinations, but the sum to be expended for such purposes, in any one year, shall not exceed such sum as shall be appropriated for that purpose under the provisions hereinafter made; and such Scholarships shall be of the nature and extent of those next mentioned; and all such Scholarships, Prizes and Rewards shall be granted according to Regulations previously made by the Senate and published. Scholarships, Prizes and Rewards to be granted.

XXIV. The said Scholarships shall hereafter be held to be University Scholarships in any of the affiliated Institutions in Upper Canada, and shall be held by the Chancellor, Vice-Chancellor and Members of the Senate, for the purpose of being awarded according to the proficiency manifested on examination in prescribed subjects, and to each of such Scholarships an annual stipend shall be attached, payable out of the University Income Fund, for such periods, and on such conditions, as shall be fixed by the Regulations to be made by Statute of the Senate in that behalf; and the holder of any Scholarship granted under this and the next preceding Section of this Act shall have the title of "University Scholar:" Nature of such Scholarships.

Provided always, that every Scholarship in the University of Toronto, granted before this Act shall be in force, shall thereafter be a University Scholarship in University College hereinafter mentioned, and the holder thereof shall have the said title of "University Scholar." Proviso.

XXV. Any Statutes made under the Fiftieth Section of the Act of 1849, herein first cited and repealed, by the Commissioners therein referred to, and in force when this Act shall come into effect, shall remain in force, in so far as they may not be inconsistent with this Act, until repealed, or altered, by the Chancellor, Vice-Chancellor and Members of the Senate of the said University, who shall have full power to amend, or appeal, the same and make others in their stead. Statutes under Sec. 50 of 12 Vict., ch. 82, to remain in force until repealed.

XXVI. It shall be the duty of the Senate of the said University annually to report to the Governor, at such time as he shall request, on the general state, progress and prospect of the University, and upon all matters touching the same, with such suggestions as they may think proper to make; and the said Senate shall also, at all times, when thereunto required by the Governor, inquire into, examine and report upon any subject, or matter, connected with the said University; and copies of such annual, or other, Reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof. Senate to make certain Reports to the Governor. Copies to be laid before Parliament.

[XXVII. (*in Draft of Bill.*) And Whereas it is expedient to stimulate the Youth of this Province to avail themselves of the benefit of a University Education, by the establishment of a certain number of Scholarships in the said University for each County of Upper Canada, for the purpose of assisting, (as far as possible,) with pecuniary aid, those of the deserving Youth of each County whose parents may be unable to meet the expense necessarily attendant upon such an education:— Provision as to certain Scholarships to be founded by the University and the several Counties in Upper Canada.

[*Be it therefore enacted*, That it shall be the duty of the Chancellor, Vice-Chancellor and Members of the Senate of the University, to provide by

Statute for the establishment of four University Scholarships for each County in Upper Canada, so soon as the Funds of the said University shall permit, and to regulate everything pertaining to the election, rights, privileges and emoluments of the Scholars on whom the same shall be conferred:

1st Proviso. [Provided always, nevertheless, *Firstly*, That the Scholars on whom such Scholarships shall be conferred shall be entitled to attend all examinations in the said University, and enjoy all the advantages afforded therein, and to take any Honour, Degree, or Certificate of Proficiency, to which they may become entitled, without payment of any fee for the same; and that two of the four Scholarships, so to be founded for each County, shall be endowed from the University Funds:

2nd Proviso. [Provided also, *Secondly*, That no County shall be entitled to claim the benefit of the Scholarship to be so founded, or any of them, unless the Municipal Council of such County shall have provided permanently sufficient funds for the endowment of one, or both, of the Scholarships to be so founded, and not endowed from University Funds, according to the rate fixed by the said Senate; and, upon such provision being made by the Municipal Council of any County, the Senate of the said University shall proceed to fill up either one, or both, of the said Scholarships according to the sum provided by the said Municipal Council, and shall, at the same time, according to circumstances, fill up either one, or both, of the Scholarships to be endowed from University Funds; it being the intention of this Act, that the Scholarships to be endowed from the University Funds shall only be filled up, so far and so long, as the several Counties respectively shall provide funds for the support of those to be endowed from those sources.

3rd Proviso. [Provided also, *Thirdly*, That the said Scholarships shall be filled up by the Senate of the said University upon public examination to be held before that Body of Examiners to be by the said Senate appointed, and the selection shall be made out of such a number of Youth of each County as shall have been admitted to contend for such Scholarships by the Certificate of the Municipal Council of such County:

4th Proviso. [Provided also, *Fourthly*, That no person shall be admitted as a Candidate for such Scholarships unless he shall have received a Certificate of birth, or residence, from the Municipal Council of the County to which such Scholarships shall belong, as aforesaid:

5th Proviso. [And Provided, *Fifthly*, That no person shall be deemed one of the Youth of any given County, within the meaning of this Section, unless he shall have been born in such County, or unless his parents, or surviving parents, or one of them, shall have been a stated resident of such County for five years continually prior to the granting of such Certificate, and shall, at the time of granting such Certificate, be still stated residents, or a stated resident thereof, or if they be both dead, then, unless they, or the survivor of them, shall have been stated residents for the five years next preceding, and at the time of their death, or the death of the survivor of them:

6th Proviso. [Provided also, *Sixthly*, That every such Certificate shall remain in force for one year from the granting thereof and no longer, after which it shall and may be renewed, if the party remains entitled to it, as at the first: and,—

7th Proviso. [Provided also, *Seventhly*, and lastly, That it shall and may be lawful for the said Senate, and they are hereby requested to make provision for preserving all now existing Scholarships of the said University on their present footing for the space of five years next after the passing of this Act, for the benefit of such persons as have already commenced a course of study with a view to compete for the same, or have obtained any such Scholarships.

Interpretation. The word "County," in this Section, shall include any union of Counties for Municipal purposes.]

UNIVERSITY COLLEGE, TORONTO, CONSTITUTED.

University College constituted, to be managed by a Council.

XXVII. There shall be, and there is hereby constituted, at the City of Toronto, a Collegiate Institution by the name of University College, and the said College shall be under the direction, management and administration of a Body Corporate to be called the Council of University College, which shall have perpetual succession and a Common Seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded, by the name aforesaid, and shall have other the usual powers of Corporate Bodies, according to the Interpretation Act, subject to the said provisions.

Members of the Council.

XXVIII. The said Corporation of University College shall consist of a President, Vice-President, and such Professors as may, from time to time, be appointed to Chairs in the University College; [and not less than ten ordinary Members of the said Council, to be, from time to time, appointed by the Governor of this Province, by a Commission under His Hand and Seal-at-Arms, and for a term not exceeding two years; but the Vice-President, and, at least, five Members of the Council shall be appointed in the first instance, for a term not exceeding one year, to the end that the term of office of one-half of the Members of the said Corporation may, in so far as may be found conveniently practicable, expire at the end of each year:

Provided, That any Member may be removed by the Governor before the expiration of his term of office, but that any Member going out of office may, at the discretion of the Governor, be re-appointed forthwith, or any time thereafter.]

(*The foregoing was part of Section XXXI in the original Draft of Bill.*)

Meetings of the Council. Chairman and etcetera.

XXIX. The President, or, in his absence, the Vice-President, or, if both be absent, then the Senior Member of the Council present, shall preside at all Meetings of the Corporation, and in case of an equal division of votes among the Members appointed at the same time, the order in which their appointments shall have been made shall be their order of Seniority; and all such Meetings shall be held at the times to be prescribed by the Statutes of the said College.

Quorum.

XXX. Any five Members of the said Council shall be a Quorum for transacting all business of the Council, and doing all things which the said Council may lawfully do; and all things done at any Meeting of the Council shall be ordered by the majority of the votes of the Members present thereat, subject to the provision hereinbefore made for the case of an equal division of votes.

Majority to decide.

Council to make Statutes for certain purposes.

XXXI. The said Council shall have full power and authority to make Statutes for the good government, discipline, conduct and regulation of the said College, and of the Professors, Teachers, Students, Officers and Servants thereof; for regulating the Fees to be paid by Students, or persons, attending Lectures, or receiving instruction in the said College, and the times of regular Meetings of the Council, and, generally, for the management of the property and business thereof, and for any purpose necessary for carrying this Act into effect, according to its intent and spirit, in cases for which provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act, or the Laws of this Province, and, from time to time, to amend, or repeal, the same: [and the said Council may, by any such Statutes, empower the said Professors, Lecturers and Teachers, or any of them, to make Regulations for the government of the said Students, Officers and Servants, and for the conduct and discipline of the said College, in such matters,

and to such extent as may be limited in such Statutes, and subject to such control, or approval, as may be therein mentioned]*:

Proviso: To have no force until approved by the Governor.

Provided always, that no Statute made by the said Council shall have force and effect until it shall have been submitted to the Visitor of the said College, and by him approved; and a Certified Copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

Council to determine the branches of knowledge to be taught.

XXXII. There shall be in the said College such Professors, Lecturers, and Teachers, and there shall be taught in the said College such Sciences, Arts and branches of knowledge as the Council shall, by their Statutes in that behalf, from time to time, determine, such Statutes being consistent with Statutes of the University of Toronto as regards the prescribed subjects of Examination;

Proviso: As to Divinity, Law and Medicine.

Provided always, that there shall be no Professor, or Teacher, of Divinity in the said College; and that after the First day of January, One thousand eight hundred and fifty-four, there shall be no Professorship, or Teachership, of Law, or of any branches of Medicine, or Surgery, except in so far as the same may form part of a general system of a liberal Education.

President, Professor, and etcetera, to be appointed by the Governor.

XXXIII. The President and Vice-President, Professors, Lecturers, Teachers, Officers and Servants of the said College shall be appointed by the Governor of this Province, after such examination, inquiry and report as he shall [require to be instituted and made to the Council of the College] *consider necessary, and such persons, so appointed,* shall hold office during his pleasure; [but the Council shall have power to remove any of them from the exercise of their functions, until the pleasure of the Governor shall be known, reporting such suspension immediately to the Government, with the reasons therefor.]

Proviso as to present Professors, and etcetera.

Provided always, that the President, Professors, Lecturers and Teachers of the University of Toronto, as now constituted, shall, until it be otherwise ordered by the Governor, be the President, Professors, Lecturers and Teachers of University College, excepting after the said First day of January, One thousand eight hundred and fifty-four, those who may be Professors, or Teachers, of those subjects which are not, under this Act, to be taught in the said College.

No religious test, etcetera, to be required.

XXXIV. No Religious Test, or profession of Religious Faith, shall be required of any Professor, Lecturer, Teacher, Student, Officer, or Servant, of the said College, nor shall Religious Observances, according to the forms of any particular Religious Denomination, be imposed on them, or any of them; but it shall be lawful for the Council to make such Regulations as they may think expedient, touching the moral conduct of the Students and their attendance in Public Worship in their respective Churches, or other places of Religious Worship, and their receiving Religious Instruction from their respective Ministers, and according to their respective Forms of Religious Faith, and every facility shall be afforded for their so doing.

Professorships etcetera, may be founded by private parties and how.

XXXV. It shall and may be lawful for any person, or persons, body, or bodies politic, or corporate, whomsoever, to found such, and so many, Professorships, Fellowships, Lectureships, Scholarships, Exhibitions, Prizes and other Rewards, in the said College, as they may think proper, by providing a sufficient Endowment in Land, or other Property, and surrendering, or conveying, the same to the Crown, for the purposes of the said College, and, thereupon, suing out Letters Patent from the Crown, instituting, establishing and endowing the same with the Property so provided for that purpose,

* Part of Section xxxiv. in the original Draft of Bill.

as aforesaid; in all which Letters Patent shall be set forth such Rules and Regulations for the appointing to, and conferring of, such Professorships, Fellowships, Lectureships, Scholarships, Prizes, or other Rewards, as the respective Founders thereof, with the approbation of the Crown, shall think fit to prescribe for that purpose, all which Rules and Regulations the authorities of the said College are hereby required to observe and give effect to, as in the said Letters Patent shall be directed; Provided always, that such endowment, as aforesaid, shall be vested in the Crown for the purposes for which it shall be given, as shall also any Property, real or personal, given, devised, or bequeathed to the said College, or for the use thereof; And provided also, that no Professorship, or Lectureship, shall be so founded for the teaching of any subject which, under this Act, is not to be taught in the said College. Proviso.

XXXVI. The Governor of this Province shall be the Visitor of the said College on behalf of the Crown, and his Visitorial powers may be exercised by Commission, under the Great Seal of this Province, and the proceedings of any Commission, so appointed, being confirmed by the Governor, shall be binding on the said College and the Council thereof, and on all persons whomsoever. Governor to be Visitor.

XXXVII. It shall be the duty of the Council of the said College annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospects of the College, and upon all matters touching the same, with such suggestions as they may think proper to make; and the said Council shall also, at all times, when thereunto required by the Governor, inquire into, examine and report, upon any subject or matter connected with the said College; and copies of such annual or other Reports, shall be laid before both Houses of the Provincial Parliament at the then next Session thereof. Council to report annually to the Governor. Copies to be laid before Parliament.

XXXVIII. All Terms kept, or studies, or exercises performed, in the University of Toronto, as now constituted, shall be valid and effectual, and shall be deemed to be Terms kept, or studies, or exercises, performed in University College; and the Statutes and Regulations of the said University in force, when this Act shall come into effect, shall remain in force and apply to University College, so far as they may be consistent with this Act, until repealed, or altered, by Statutes to be made under this Act. Terms, etcetera, kept in the former University to avail to students.

Upper Canada College placed under the University Senate.

XXXIX. The Corporation of "The Principal, Masters and Scholars of Upper Canada College and Royal Grammar School" shall be dissolved and determined from the time this Act comes into force; and the said Institution and all the affairs and business thereof shall be under the control, management and direction of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, subject to the provisions of this Act. Present Corporation dissolved.

XL. The Governor of this Province shall be the Visitor of the said College and Royal Grammar School, on behalf of Her Majesty, and his Visitorial powers may be exercised by Commission, under the Great Seal of this Province, the Proceedings whereof, having been first confirmed by the Governor-in-Council, shall be binding upon the said College and Royal Grammar School, and upon the said Senate and all others whomsoever. Governor to be Visitor.

XLI. The said Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto shall have full power and authority to make Statutes for the good government, conduct and regulation of the said College and Royal Grammar School, and of the Principal, Masters, Pupils, Officers and Servants thereof, for regulating the fees to be paid by pupils receiving Senate of University to make Statutes for the Government of this Institution.

instruction in the said College, and, generally, for the management of the business and affairs thereof, and for any purpose necessary for carrying this Act into effect, according to its intent and spirit, in cases in which no provision is made by this Act, so that such Statutes be not inconsistent with the Provisions of this Act, or the Laws of this Province, and, from time to time, to amend, or repeal, the same; and the said Chancellor, Vice-Chancellor and Senate, may, by any such Statutes, empower the Principal to make Regulations for the government of the Masters and Pupils, Officers and Servants, and for the conduct and discipline of the said College and Royal Grammar School, in such matters and to such extent as may be limited in such Statutes and subject to such control, or approval, as may be therein mentioned; Provided always, that no Statute shall have force and effect until it shall have been submitted to the Visitor of the said College and Royal Grammar School, and by him approved; and a Certified Copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

Proviso: Statutes to have no force until approved by the Governor.

Principal, Masters and etcetera, how appointed.

XLII. There shall be in the College and Royal Grammar School a Principal and such Masters, Officers and Servants as shall, from time to time, be directed by any Statute relating to the said Institution, approved, as aforesaid, and the salary and emoluments attached to each such office shall be, from time to time, fixed by a Statute of the Senate, and the said Principal, Masters, Officers and Servants shall be appointed by the Governor of this Province, and shall hold office during his pleasure: Provided always, that, until it shall be otherwise ordered by the Governor, the present Principal, Masters, Officers and Servants of the said Institution shall remain in office, and until it be otherwise ordered by Statute of the Senate, the Salaries and Emoluments attached to each office shall be those now attached to the same respectively.

Present Statutes and etcetera, to remain in force until repealed.

XLIII. All Statutes, Rules and Ordinances of the said College and Royal Grammar School, in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force until repealed, altered, or amended, by some statute to be hereafter enacted or made by the Senate for that purpose.

No Religious test or profession to be required

Certain Regulations may be made.

XLIV. No Religious Test, or profession of Religious Faith, shall be required of any Principal, Master, Pupil, Officer, or Servant of the said College, nor shall Religious Observances, according to the forms of any particular Religious Denomination, be imposed on them, or any of them; but it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, by Statute passed by such Senate, to make such Regulations as they may think expedient touching the moral conduct of the Pupils and their attendance in Public Worship in their respective Churches, or other places of Religious Worship, and their receiving Religious Instruction from their respective Ministers, and according to their respective forms of Religious Faith, and every facility shall be afforded for their so doing.

Senate to make Annual Reports to the Governor.

Copies to be laid before Parliament.

XLV. It shall be the duty of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto annually to report to the Governor, at such times as he shall appoint, on the general state, progress and prospects of the College and Royal Grammar School, and upon all matters touching the same, with such suggestions as they may think proper to make; and also, at all times, when thereunto required by the Governor, to inquire into, examine and report upon any subject, or matter, connected with the said College and Royal Grammar School; and copies of such annual, or other, reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

MANAGEMENT OF THE ENDOWMENT AND PROPERTY OF THE UNIVERSITY OF TORONTO.

XLVI. All the Property and Effects, real, or personal, of what nature, or kind, soever, now belonging to, or vested in, the Corporation of the Chancellor, Masters and Scholars of the University of Toronto, or in the Corporation of the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, or in any Person, or Persons, body, or bodies, politic, or corporate, in trust for the said Corporations, or either of them, shall, from and after the coming into force of this Act, be, and the same, and every part thereof, are hereby transferred to and vested in Her Majesty, Her Heirs and Successors, for the purposes of this Act, and shall, as shall also all Deeds, Titles, Accounts, Books, Maps, Plans, Documents and Writings belonging to, or relating to the same, be forthwith delivered up by any Person, or Persons, Officer, or Officers, as the Governor of this Province shall appoint, or authorize, to receive the same; and every Right, Title, Claim, or Demand, of either of the said Corporations to any real, or personal, property, debt, or sum of money, shall be, and is hereby, vested in the Crown; and any suit of proceeding for the recovery thereof may be brought, or continued, by, and in the name of, the Crown, upon suggesting of the passing of this Act; and every debt due by, or claim upon, either of the said Corporations may be paid, or satisfied, by the Crown out of the property transferred, as aforesaid; and all property, real or personal, which shall be hereafter given, devised, or bequeathed, to, or for, the use of either of the said Institutions, or to, or for, the use of [University College] *any of the Institutions herein named and provided for*, shall be vested in the Crown for the purposes of this Act.

The property of the said Institution to be vested in the Crown for the purposes of this Act.

XLVII. The said property, real or personal, shall be managed and administered, under the orders of the Governor-in-Council, by an Officer to be appointed by Commission, under the Great Seal of this Province, to hold his Office during pleasure, and to be called the Bursar of the University and Colleges at Toronto; and the Salary of the said Bursar shall be fixed by the Governor-in-Council at such amount, not exceeding Four Hundred Pounds, (£400=$1,600,) Halifax Currency per annum, as to him shall seem meet, and the said Bursar shall be allowed by the Governor-in-Council such assistance in his Office as may be found necessary, and the said Bursar shall have a Seal of Office, and shall have such powers as shall, from time to time, be assigned to him by the Governor-in-Council, for the management and administration of the said property, the leasing of the same, or making agreements for the sale thereof, and the receiving of the rents, issues and profits thereof, or the proceds of the sale of any part thereof, or any moneys in any way arising therefrom, and shall account for, and pay over the same in such manner as the Governor shall, from time to time, direct, and shall give security to the Crown for the due performance of his duties, and the faithful accounting for, and paying over, of all moneys which shall come into his hands as such Bursar, in such amount, with such securities, and in such manner and form as the Governor-in-Council shall direct; and the said Bursar shall, as regards his obligations to account for and pay over all moneys coming into his hands as such, be deemed to be an Officer employed in the collection of the Provincial Revenue, and shall, in case of his default, be liable to be dealt with accordingly; and the said Bursar shall make and transmit to the Governor, and at such time in each year as he shall appoint, an annual account of the property under his management, and of his official receipts and expenditures; and a copy of each account shall be laid before each House of the Provincial Parliament at the then next Session thereof: And each such Annual Account shall shew, among other things:—

The said property to be managed by a Bursar, under the direction of the Governor-in-Council.

Powers and Duties, of the Bursar.

Bursar to transmit annual accounts to the Governor, to be laid before Parliament.

What such accounts must shew

1. The number of acres of Land originally granted for the Endowment of the said University, or the said Upper Canada College and Royal Grammar School;

2. The number of Acres sold, and at what rate: the total amount of sales, the amount received on account thereof, and the amount due thereon;

3. The amount of Capital invested, and the amount expended to the end of the preceding year;

4. The Amount received and a detailed account of the amount expended for the preceding year in Salaries, Contingent Expenses and Buildings, specifying the duties of the persons receiving such salaries, and the purposes of such Buildings.

NOTE.—The following Section is a new one, and was not contained in the original Draft of Bill, as submitted to the House of Assembly by the Honourable Francis Hincks.

Provisions for facilitating the transfer of property sold.

XLVIII. And, in order to facilitate the transfer and conveyance of the property by this Act transferred to, and vested in, Her Majesty, it shall be lawful for the Governor, from time to time, to issue a Commission under the Great Seal of the Province, to the Bursar of the University and Colleges at Toronto aforesaid, authorizing the said Bursar, under his hand and seal of office, to transfer and convey any such property to purchasers and others entitled to receive conveyances thereof; and that all such transfers and conveyances may be made according to the form provided in the Schedule to this Act, or in words to the like effect;* and the same shall, to all intents and purposes, as effectually grant, transfer and convey the lands therein set forth, to the parties therein specified, according to the quality of the estate and the conditions and provisions therein mentioned, in the same manner, and with the like effect, as if the same had been directly granted by the Crown, under the provisions of this Act:

Proviso.

Provided, That nothing herein contained shall be held to prevent the Crown from granting such Lands directly:

Proviso.

And Provided further, That all such Transfers and Conveyances shall be registered in the Registry Office of the County in which the Lands shall be situate, in like manner, and subject to the same provisions of law, as Conveyances from and to private parties.

General Income Fund constituted.

XLIX. The fees received for Tuition, Examination, Degrees, Certificates of Honour, or otherwise, in the said University, in University College, and in Upper Canada College and Royal Grammar School, or such part thereof as shall be payable into the general funds thereof, the rents, issues and profits of all such property, as aforesaid, and all the interest on the purchase money of any part of such property sold, and not wholly paid for, or on moneys arising from the sale of any such property and invested at interest, and all other casual and periodical incomings, including any Donations, or Subscriptions, touching which it shall not be otherwise ordered by the Donors, shall be deemed Income for the purpose of this Act, and shall form the General Income Fund, and may be expended for the purposes, and under the authority, of this Act; but the purchase money of any such property sold, and the principal of any money invested, shall be deemed permanent property, and shall not (except only in the case hereinafter provided for,) be expended, or diminished, in any way, but shall remain as a Permanent Fund for the support of the said Institutions and the purposes of this Act.

Permanent Fund defined.

* This Schedule, being a merely formal document, is omitted.

L. [LII. (*Part of Bill*) The Income] *That part of the General Income Fund which shall be* derived from property heretofore vested in the Corporation of Upper Canada College and Royal Grammar School, *or for other property held for the use of, or from fees received in, the said College and Grammar School, and payable into the General Funds thereof, shall be applied to defray the current expenses of the said Institution only, and shall form the special* Income Fund thereof, and shall be applied, under the direction of the Governor-in-Council, to defray the current expenses of the said College and Grammar School and those to be incurred in the management of the Endowment *and Funds* thereof, and the maintenance and repairs of property assigned for its use, and the Surplus, if any, after defraying all charges thereon, shall form part of the Permanent Fund aforesaid, and shall be invested in such manner as the Governor-in-Council shall direct: And all moneys forming part of the said Permanent Fund, and arising from such surplus as aforesaid, or from property heretofore vested in the said Corporation, shall be permanently appropriated to the support of the said Upper Canada College and Royal Grammar School.

Income Fund of U. C. College and Grammar School.

Permanent Fund of the same.

LI. Out of the remainder of the General Income Fund, (which remainder shall be called the University Income Fund,) after paying the charges of management, as hereinafter mentioned, it shall be lawful for the Governor-in-Council to appropriate yearly such sum as shall be required to defray the current expenses of the said University of Toronto, including Scholarships, Rewards and Prizes, authorized by the Twenty-third and Twenty-fourth Sections of this Act, and to defray the current expenses of University College; including, in both cases, the care, maintenance and ordinary repairs of the property assigned for the use of the said University, or College, and with power to the Governor-in-Council to decide what shall be deemed ordinary repairs, as distinguished from permanent improvements.

University Income Fund: and charges payable out of it.

[LIII. (*Part of the Draft of Bill.*) A sum of . . . . to be divided among the several Colleges in Upper Canada, not exercising the power of granting Degrees except in Divinity, and affiliated to the said University and receiving pecuniary aid from the Legislature for the same year, the sum awarded to each such College being in proportion to the amount of such aid received by it:

[Provided, *Firstly*, That the receipt of any portion of such sum by any College shall be held to imply an abandonment by such College of any clause in its charter providing for, or authorizing, any Religious Test, or Profession of Faith, on the part of any Student in such College, or of any Professor, or Teacher, therein, except the Professor of Divinity, and to be a declaration by such College that no such Religious Test, or Profession of Faith, shall be required of any Professor, Teacher, or Student, except as aforesaid.

[Provided, *Secondly*, That the sum received by any such College, under this Section, shall be applied exclusively to the payment of the Salaries of Professors and Teachers, employed in such College in teaching those Branches of Knowledge, and those only, which shall form part of the Course of Study prescribed by the Statutes of the University of Toronto for Candidates for Degrees, or Certificates of Proficiency, and that no part of such sum shall be applied to pay the salary, or remuneration, of any Professor, or Teacher, of Law, or of Medicine, Anatomy, or other subject immediately connected with the study and practice of Medicine, or Surgery; and,—

[Provided, *Thirdly*, and lastly, That the Senate of the University may require from any College in Upper Canada receiving aid from the said Income Fund, or from Parliament, a Statement shewing the manner in which the sum received as such aid shall have been expended, and such Statement shall be embodied in the then next annual Report of the Senate.

[A Sum of . . . . towards the support of Scholarships to be granted under the provisions of the Twenty-seventh Section of this Act, and . . .]

In what manner and form appropriations out of the said funds may be made.

LII. In making such appropriations for the current expenses of the said University, or of University College, or of Upper Canada College and Royal Grammar School, it shall be lawful for the Governor-in-Council either to

direct the particular purposes to which the whole, or any part, of the sum appropriated shall be applied, or to place the whole, or any part, of such sum at the disposal of the Senate of the said University, or of the Council of the said Upper Canada College, to be applied under the provisions of Statutes in that behalf, approved, as aforesaid, and by which Statutes the said Senate, or Council, may place any sum, or sums, at the disposal of any Committee, or person or persons, to be applied by them, or him, according to the directions of such Statutes, or, in their discretion, to purposes to be therein named.

Allowances to present Professors who shall retire from office, on or before 1st July, 1853.

LIII. It shall be lawful for the Governor-in-Council to cause to be paid out of the said University Income Fund a sum not exceeding one year's Salary at the present rate, to each of those Professors in the now University of Toronto who will not, under the Thirty-third Section of this Act, be Professors in University College, and who shall resign their Chairs as such Professors in the University of Toronto on, or before, the First day of July, One Thousand Eight Hundred and Fifty-three; such allowance to be payable at such time, after the said First day of July, as the Governor-in-Council shall appoint.

Surplus to be appropriated hereafter.

LIV. Any surplus of *the said University* Income Fund remaining at the end of any year, after defraying the expenses payable out of the same, shall, [be invested by the Bursar, under the orders of the Governor-in-Council, in Public Provincial Securities, and not otherwise, and shall then form part of the Permanent Fund; and all sums of money received by the said Bursar, and forming part of the Permanent Fund aforesaid, shall be invested in like manner; and any such Securities may, under such order as aforesaid, be exchanged, sold or otherwise disposed of by the said Bursar], *and constitute a Fund to be, from time to time, appropriated by Parliament for Academical Education in Upper Canada.*

Expenses of Bursar's office, how paid.

LV. The expenses of the Bursar's Office, and the management of the property aforesaid, shall be paid out of the said General Income Fund hereinbefore mentioned, and shall be the first charge thereon, and the Governor-in-Council shall, from time to time, determine what share thereof shall be paid out of that portion of the said Fund belonging to Upper Canada College and Royal Grammar School.

Portions of property to be assigned for use of said Institution.

LVI. The Governor-in-Council shall, from time to time, assign for the use and purposes of the said University College, and of Upper Canada College and Royal Grammar School, respectively, such portions of the property hereby vested in the Crown as may be necessary for the convenient accommodation and business of the said Institutions respectively; and the property so assigned, for the use of each, shall be deemed to be in the legal possession and under the Control of the Senate, or Council, of such Institution.

Governor-in-Council may authorize improvements.

LVII. The Governor-in-Council may authorize such permanent improvements, or additions, to the Buildings on the said property as may be necessary for the purposes of the said Institutions respectively, and may direct the cost thereof to be paid out of that part of the Permanent Fund aforesaid, hereby made applicable to the support of the Institution for the purposes of which the improvement, or addition, is made.

Fiscal year to be the calendar year.

LVIII. For all the purposes of this Act, and of all accounts to be kept and payments, or expenditure, to be made under it, the fiscal year shall coincide with the calendar year.

[*LIX.* (*In Draft of Bill.*) This Act shall come into force and effect upon the —— day of —— One Thousand Eight Hundred and Fifty-three, and not before.]

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